

1 **Medical Cannabis Program Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Walt Brooks

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3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to the medical cannabis program.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ amends when the Cannabis Production Establishment and Pharmacy Licensing Advisory
- 10 Board must meet to review an ownership change application;
- 11 ▶ amends provisions related to labeling of cannabis products;
- 12 ▶ amends provisions related to cannabis remediation;
- 13 ▶ repeals language related to electronic payments;
- 14 ▶ amends how medical cannabis cardholders may transport medical cannabis;
- 15 ▶ enacts provisions related to the safe storage of medical cannabis for medical cannabis
- 16 deliveries;
- 17 ▶ amends provisions related to when a recommending provider employee may access
- 18 information;
- 19 ▶ amends provisions related to the processes of obtaining certain medical cannabis cards;
- 20 ▶ amends provisions related to when a medical cannabis pharmacy agent may access the
- 21 electronic verification system;
- 22 ▶ amends provisions related to acceptable forms of identification;
- 23 ▶ amends provisions related to the revocation of certain medical cannabis agent cards;
- 24 ▶ allows a medical cannabis guardian card to be issued to the legal guardian of an adult who
- 25 is incapacitated;
- 26 ▶ creates a voucher program for patients to obtain medical cannabis or a medical cannabis
- 27 device;

- 28       ▸ extends the repeal of the medical cannabis governance structure working group; and
- 29       ▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 4-41a-201**, as last amended by Laws of Utah 2025, Chapter 414
- 4-41a-501**, as last amended by Laws of Utah 2025, Chapter 114
- 4-41a-602**, as last amended by Laws of Utah 2025, Chapter 392
- 4-41a-1001**, as last amended by Laws of Utah 2025, Chapters 114, 277 and 414
- 4-41a-1101**, as last amended by Laws of Utah 2025, Chapter 392
- 4-41a-1106**, as last amended by Laws of Utah 2025, Chapter 414
- 4-41a-1201**, as last amended by Laws of Utah 2025, Chapter 114
- 4-41a-1204**, as last amended by Laws of Utah 2025, Chapter 414
- 4-41a-1205**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
- 26B-1-310**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
- 26B-1-421**, as last amended by Laws of Utah 2025, Chapter 494
- 26B-4-201**, as last amended by Laws of Utah 2025, Chapter 392
- 26B-4-202**, as last amended by Laws of Utah 2025, Chapter 392
- 26B-4-213**, as last amended by Laws of Utah 2025, Chapter 392
- 26B-4-214**, as last amended by Laws of Utah 2025, Chapter 392
- 63I-2-236**, as last amended by Laws of Utah 2025, Chapters 277, 414

ENACTS:

**26B-4-248**, Utah Code Annotated 1953

REPEALS:

**26B-4-215**, as renumbered and amended by Laws of Utah 2023, Chapter 307

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

Section 1. Section **4-41a-201** is amended to read:

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

- 62 (1) Except as provided in Subsection (14), a person may not operate a cannabis production  
63 establishment without a license that the department issues under this chapter.
- 64 (2)(a)(i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a  
65 licensing process that the department initiates after March 17, 2021, the  
66 department, through the licensing board, shall issue licenses in accordance with  
67 Section 4-41a-201.1.
- 68 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
69 the department shall make rules to specify a transparent and efficient process to:  
70 (A) solicit applications for a license under this section;  
71 (B) allow for comments and questions in the development of applications;  
72 (C) timely and objectively evaluate applications;  
73 (D) hold public hearings that the department deems appropriate; and  
74 (E) select applicants to receive a license.
- 75 (iii) The department may not issue a license to operate a cannabis production  
76 establishment to an applicant who is not eligible for a license under this section.
- 77 (b) An applicant is eligible for a license under this section if the applicant submits to the  
78 licensing board:
- 79 (i) subject to Subsection (2)(c), a proposed name and each address, located in a zone  
80 described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate  
81 the cannabis production establishment;
- 82 (ii) the name and address of any individual who has:
- 83 (A) for a publicly traded company, a financial or voting interest of 10% or greater  
84 in the proposed cannabis production establishment;
- 85 (B) for a privately held company, a financial or voting interest in the proposed  
86 cannabis production establishment; or
- 87 (C) the power to direct or cause the management or control of a proposed cannabis  
88 production establishment;
- 89 (iii) an operating plan that:
- 90 (A) complies with Section 4-41a-204;
- 91 (B) includes operating procedures that comply with this chapter and any law the  
92 municipality or county in which the person is located adopts that is consistent  
93 with Section 4-41a-406; and
- 94 (C) the department or licensing board approves;
- 95 (iv) a statement that the applicant will obtain and maintain a liquid cash account with

- 96 a financial institution or a performance bond that a surety authorized to transact  
97 surety business in the state issues in an amount of at least:
- 98 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;  
99 or
- 100 (B) \$50,000 for each cannabis processing facility or independent cannabis testing  
101 laboratory for which the applicant applies;
- 102 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
103 department sets in accordance with Section 63J-1-504; and
- 104 (vi) a description of any investigation or adverse action taken by any licensing  
105 jurisdiction, government agency, law enforcement agency, or court in any state for  
106 any violation or detrimental conduct in relation to any of the applicant's  
107 cannabis-related operations or businesses.
- 108 (c)(i) A person may not locate a cannabis production establishment:
- 109 (A) within 1,000 feet of a community location; or  
110 (B) in or within 600 feet of a district that the relevant municipality or county has  
111 zoned as primarily residential.
- 112 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
113 from the nearest entrance to the cannabis production establishment by following  
114 the shortest route of ordinary pedestrian travel to the property boundary of the  
115 community location or residential area.
- 116 (iii) The licensing board may grant a waiver to reduce the proximity requirements in  
117 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not  
118 reasonably feasible for the applicant to site the proposed cannabis production  
119 establishment without the waiver.
- 120 (iv) An applicant for a license under this section shall provide evidence of  
121 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 122 (3) If the licensing board approves an application for a license under this section and  
123 Section 4-41a-201.1:
- 124 (a) the applicant shall pay the department an initial license fee in an amount that, subject  
125 to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;  
126 and
- 127 (b) the department shall notify the Department of Public Safety of the license approval  
128 and the names of each individual described in Subsection (2)(b)(ii).
- 129 (4)(a) Except as provided in this Subsection (4), a cannabis production establishment

- 130 shall obtain a separate license for each type of cannabis production establishment and  
131 each location of a cannabis production establishment.
- 132 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis  
133 processing facility license to a person to operate at the same physical location or at  
134 separate physical locations.
- 135 (c) A cannabis cultivation facility may operate at two addresses under a single license.
- 136 (d) A tier one cannabis processing facility may operate at a second address under the  
137 same tier one license if:
- 138 (i) the second address is co-located at a cannabis cultivation facility operated by the  
139 same licensee; and
- 140 (ii) the licensee pays a fee of \$70,000 for the second location.
- 141 (e) An applicant for a tier two cannabis processing facility license that has a cannabis  
142 cultivation facility license and intends to process cannabis at the cannabis cultivation  
143 facility shall pay a fee of \$25,000 for the tier two cannabis processing facility license.
- 144 (5) If the licensing board receives more than one application for a cannabis production  
145 establishment within the same city or town, the licensing board shall consult with the  
146 local land use authority before approving any of the applications pertaining to that city  
147 or town.
- 148 (6) The licensing board may not issue a license to operate an independent cannabis testing  
149 laboratory to a person who:
- 150 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a  
151 cannabis processing facility, or a cannabis cultivation facility;
- 152 (b) has an owner, officer, director, or employee whose family member holds a license or  
153 has an ownership interest in a medical cannabis pharmacy, a cannabis processing  
154 facility, or a cannabis cultivation facility; or
- 155 (c) proposes to operate the independent cannabis testing laboratory at the same physical  
156 location as a medical cannabis pharmacy, a cannabis processing facility, or a  
157 cannabis cultivation facility.
- 158 (7) The licensing board may not issue a license to operate a cannabis production  
159 establishment to an applicant if any individual described in Subsection (2)(b)(ii):
- 160 (a) has been convicted under state or federal law of:
- 161 (i) a felony in the preceding 10 years; or
- 162 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 163 (b) is younger than 21 years old; or

- 164 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 165 (8)(a) If an applicant for a cannabis production establishment license under this section  
166 holds a license under [~~Title 4,~~]Chapter 41, Hemp and Cannabinoid Act, the licensing  
167 board may not give preference to the applicant based on the applicant's status as a  
168 holder of the license.
- 169 (b) If an applicant for a license to operate a cannabis cultivation facility under this  
170 section holds a license to operate a medical cannabis pharmacy under this title, the  
171 licensing board may give consideration to the applicant based on the applicant's  
172 status as a holder of a medical cannabis pharmacy license if:
- 173 (i) the applicant demonstrates that a decrease in costs to patients is more likely to  
174 result from the applicant's vertical integration than from a more competitive  
175 marketplace; and
- 176 (ii) the licensing board finds multiple other factors, in addition to the existing license,  
177 that support granting the new license.
- 178 (9) The licensing board may revoke a license under this part:
- 179 (a) if the cannabis production establishment does not begin cannabis production  
180 operations within one year after the day on which the licensing board issues the  
181 initial license;
- 182 (b) after the third of the same violation of this chapter in any of the licensee's licensed  
183 cannabis production establishments or medical cannabis pharmacies;
- 184 (c) if any individual described in Subsection (2)(b) is convicted, while the license is  
185 active, under state or federal law of:
- 186 (i) a felony; or
- 187 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 188 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
189 the time of application, or fails to supplement the information described in  
190 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the  
191 submission of the application within 14 calendar days after the licensee receives  
192 notice of the investigation or adverse action;
- 193 (e) if the cannabis production establishment demonstrates a willful or reckless disregard  
194 for the requirements of this chapter or the rules the department makes in accordance  
195 with this chapter;
- 196 (f) if, after a change of ownership described in Subsection (15)(b), the board determines  
197 that the cannabis production establishment no longer meets the minimum standards

- 198 for licensure and operation of the cannabis production establishment described in this  
199 chapter;
- 200 (g) for an independent cannabis testing laboratory, if the independent cannabis testing  
201 laboratory fails to substantially meet the performance standards described in  
202 Subsection (14)(b); or
- 203 (h) if, following an investigation conducted [~~pursuant to~~] under Subsection  
204 4-41a-201.1(11), the board finds that the licensee has participated in an  
205 anticompetitive business practice.
- 206 (10)(a) A person who receives a cannabis production establishment license under this  
207 chapter, if the municipality or county where the licensed cannabis production  
208 establishment will be located requires a local land use permit, shall submit to the  
209 licensing board a copy of the licensee's approved application for the land use permit  
210 within 120 days after the day on which the licensing board issues the license.
- 211 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved  
212 land use permit application in accordance with Subsection (10)(a), the licensing  
213 board may revoke the licensee's license.
- 214 (11) The department shall deposit the proceeds of a fee that the department imposes under  
215 this section into the Qualified Production Enterprise Fund.
- 216 (12) The department shall begin accepting applications under this part on or before January  
217 1, 2020.
- 218 (13)(a) The department's authority, and consequently the licensing board's authority, to  
219 issue a license under this section is plenary and is not subject to review.
- 220 (b) Notwithstanding Subsection [~~(2)(a)(ii)(A)~~] (2)(a)(i), the decision of the department to  
221 award a license to an applicant is not subject to:
- 222 (i) Title 63G, Chapter 6a, Part 16, Protests; or  
223 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 224 (14)(a) Notwithstanding this section, the department:
- 225 (i) may operate or partner with a research university to operate an independent  
226 cannabis testing laboratory;
- 227 (ii) if the department operates or partners with a research university to operate an  
228 independent cannabis testing laboratory, may not cease operating or partnering  
229 with a research university to operate the independent cannabis testing laboratory  
230 unless:
- 231 (A) the department issues at least two licenses to independent cannabis testing

- 232 laboratories; and
- 233 (B) the department has ensured that the licensed independent cannabis testing
- 234 laboratories have sufficient capacity to provide the testing necessary to support
- 235 the state's medical cannabis market; and
- 236 (iii) after ceasing department or research university operations under Subsection
- 237 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
- 238 time if:
- 239 (A) fewer than two licensed independent cannabis testing laboratories are
- 240 operating; or
- 241 (B) the licensed independent cannabis testing laboratories become, in the
- 242 department's determination, unable to fully meet the market demand for testing.
- 243 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,
- 244 Utah Administrative Rulemaking Act, to establish performance standards for the
- 245 operation of an independent cannabis testing laboratory, including deadlines for
- 246 testing completion.
- 247 (ii) A license that the department issues to an independent cannabis testing laboratory
- 248 is contingent upon substantial satisfaction of the performance standards described
- 249 in Subsection (14)(b)(i), as determined by the board.
- 250 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 251 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 252 (i) the cannabis production establishment shall submit a new application described in
- 253 Subsection (2)(b), subject to Subsection (2)(c);
- 254 (ii) within ~~[30]~~ 60 days of the submission of the application, the board shall:
- 255 (A) conduct the application review described in Section 4-41a-201.1; and
- 256 (B) award a license to the cannabis production establishment for the remainder of
- 257 the term of the cannabis production establishment's license before the
- 258 ownership change if the cannabis production establishment meets the minimum
- 259 standards for licensure and operation of the cannabis production establishment
- 260 described in this chapter; and
- 261 (iii) if the board approves the license application, notwithstanding Subsection (3), the
- 262 cannabis production establishment shall pay a license fee that the department sets
- 263 in accordance with Section 63J-1-504 in an amount that covers the board's cost of
- 264 conducting the application review.

265 Section 2. Section **4-41a-501** is amended to read:

266 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

267 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis  
268 cultivation facility is not visible from the ground level of the cannabis cultivation facility  
269 perimeter.

270 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the  
271 facility's inventory control system to identify:

272 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each  
273 cannabis plant;

274 (b) each unique harvest of cannabis plants;

275 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a  
276 cannabis processing facility, or an independent cannabis testing laboratory; and

277 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation  
278 facility disposes.

279 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or  
280 cannabis plant product before transferring the cannabis biomass from the facility.

281 (4) A cannabis cultivation facility shall either:

282 (a) ensure that a cannabis processing facility chemically or physically processes  
283 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation  
284 into cannabis derivative products; or

285 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.

286 (5)(a) A cannabis cultivation facility may ~~utilize radiation-based methods and~~  
287 ~~equipment]~~ , for quality assurance or remediation purposes, use methods and  
288 equipment as approved by the department through rule.

289 (b) The department shall allow the use of radiation-based methods and equipment in  
290 rules created under Subsection (5)(a).

291 (6) The department shall make rules establishing:

292 (a) the records a cannabis cultivation facility [must] shall keep regarding each batch,  
293 amount of product treated, and the methods used; and

294 (b) disclosure requirements to a cannabis processor receiving the material subject to the  
295 radiation including the methods and equipment used.

296 Section 3. Section **4-41a-602** is amended to read:

297 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**

298 (1) For any cannabis product that a cannabis processing facility processes or produces and  
299 for any raw cannabis that the facility packages, the facility shall:

- 300 (a) label the cannabis or cannabis product with a label that:
- 301 (i) clearly and unambiguously states that the cannabis product or package contains
- 302 cannabis;
- 303 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
- 304 and any known cannabinoid that is greater than 1% of the total cannabinoids
- 305 contained in the cannabis or cannabis product as determined under Subsection
- 306 4-41a-701(4);
- 307 (iii) has a unique identification number that:
- 308 (A) is connected to the inventory control system; and
- 309 (B) identifies the unique cannabis product manufacturing process the cannabis
- 310 processing facility used to manufacture the cannabis product;
- 311 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
- 312 used to create the cannabis product;
- 313 (v) does not display an image, word, or phrase that the facility knows or should know
- 314 appeals to children; and
- 315 (vi) discloses each active or potentially active ingredient, in order of prominence, and
- 316 possible allergen; and
- 317 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
- 318 container that:
- 319 (i) is tamper evident and tamper resistant;
- 320 (ii) does not appeal to children;
- 321 (iii) does not mimic a candy container;
- 322 (iv) complies with child-resistant effectiveness standards that the United States
- 323 Consumer Product Safety Commission establishes;
- 324 (v) includes a warning label that states:
- 325 (A) for a container labeled on or after January 1, 2024, "WARNING: Cannabis
- 326 has intoxicating effects, may be addictive, and may increase risk of mental
- 327 illness. Do not operate a vehicle or machinery under its influence. KEEP OUT
- 328 OF REACH OF CHILDREN. This product is for medical use only. Use only as
- 329 directed by a recommending medical provider."; or
- 330 (B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis
- 331 use by pregnant or breastfeeding women, may result in fetal injury, preterm
- 332 birth, or developmental problems for the child. Cannabis may be addictive and
- 333 may increase risk of mental illness. Do not operate a vehicle or machinery

334 under its influence. KEEP OUT OF REACH OF CHILDREN. This product is  
335 for medical use only. Use only as directed by a recommending medical  
336 provider."; and

337 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or  
338 after May 3, 2023, includes a warning label that states:

339 (A) "WARNING: Vaping of cannabis-derived products has been associated with  
340 lung injury."; and

341 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung  
342 injury."

343 (2)(a) [Fø] Except as provided in Subsection (2)(b), to ensure that a cannabis product  
344 that a cannabis processing facility processes or produces has a medical rather than  
345 recreational disposition, the facility may not produce or process a product whose  
346 logo, product name, or brand name includes terms related to recreational marijuana,  
347 including "weed," "pot," "reefer," "grass," "hash," "ganja," "Mary Jane," "high,"  
348 "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush,"  
349 "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab,"  
350 "blaze," "toke," or "420."

351 (b) A product name may contain the word "hash."

352 (3) For any cannabis or cannabis product that the cannabis processing facility processes into  
353 a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular  
354 cuboid shape, the facility shall:

355 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or  
356 other image of the content of the container; and

357 (b) include on the label described in Subsection (1)(a) a warning about the risks of  
358 over-consumption.

359 (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis  
360 processing facility shall ensure that the label clearly:

361 (a) identifies each artificially derived cannabinoid; and

362 (b) identifies that each artificially derived cannabinoid is an artificially derived  
363 cannabinoid.

364 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
365 department:

366 (a) shall make rules to establish:

367 (i) a standard labeling format that:

- 368 (A) complies with the requirements of this section; and  
 369 (B) ensures inclusion of a pharmacy label; and  
 370 (ii) additional requirements on packaging for cannabis and cannabis products to  
 371 ensure safety and product quality; [~~and~~]  
 372 (b) may make rules to further define standards regarding images, words, phrases, or  
 373 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii)[-] ; and  
 374 (c) may make rules to regulate the use of common terms describing a potential  
 375 physiological effect on medical cannabis labels.

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

377 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

- 378 (1) A person may not:  
 379 (a) operate as a medical cannabis pharmacy without a license that the department issues  
 380 under this part;  
 381 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the  
 382 person to exceed the pharmacy ownership limit;  
 383 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the  
 384 partial ownership share would cause the person to exceed the pharmacy ownership  
 385 limit; or  
 386 (d) enter into any contract or agreement that allows the person to directly or indirectly  
 387 control the operations of a medical cannabis pharmacy if the person's control of the  
 388 medical cannabis pharmacy would cause the person to effectively exceed the  
 389 pharmacy ownership limit.  
 390 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the licensing  
 391 board shall issue a license to operate a medical cannabis pharmacy.  
 392 (ii) The licensing board may not issue a license to operate a medical cannabis  
 393 pharmacy to an applicant who is not eligible for a license under this section.  
 394 (b) An applicant is eligible for a license under this section if the applicant submits to the  
 395 licensing board:  
 396 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will  
 397 operate the medical cannabis pharmacy;  
 398 (ii) the name and address of an individual who:  
 399 (A) for a publicly traded company, has a financial or voting interest of 10% or  
 400 greater in the proposed medical cannabis pharmacy;  
 401 (B) for a privately held company, a financial or voting interest in the proposed

- 402 medical cannabis pharmacy; or
- 403 (C) has the power to direct or cause the management or control of a proposed
- 404 medical cannabis pharmacy;
- 405 (iii) for each application that the applicant submits to the department, a statement
- 406 from the applicant that the applicant will obtain and maintain:
- 407 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
- 408 to transact surety business in the state; or
- 409 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 410 (iv) an operating plan that:
- 411 (A) complies with Section 4-41a-1004;
- 412 (B) includes operating procedures to comply with the operating requirements for a
- 413 medical cannabis pharmacy described in this part and with a relevant municipal
- 414 or county law that is consistent with Section 4-41a-1106; and
- 415 (C) the department approves;
- 416 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
- 417 department sets in accordance with Section 63J-1-504; and
- 418 (vi) a description of any investigation or adverse action taken by any licensing
- 419 jurisdiction, government agency, law enforcement agency, or court in any state for
- 420 any violation or detrimental conduct in relation to any of the applicant's
- 421 cannabis-related operations or businesses.
- 422 (c)(i) A person may not locate a medical cannabis pharmacy:
- 423 (A) within 200 feet of a community location; or
- 424 (B) in or within 600 feet of a district that the relevant municipality or county has
- 425 zoned as primarily residential.
- 426 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
- 427 from the nearest entrance to the medical cannabis pharmacy establishment by
- 428 following the shortest route of ordinary pedestrian travel to the property boundary
- 429 of the community location or residential area.
- 430 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
- 431 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
- 432 reasonably feasible for the applicant to site the proposed medical cannabis
- 433 pharmacy without the waiver.
- 434 (iv) An applicant for a license under this section shall provide evidence of
- 435 compliance with the proximity requirements described in Subsection (2)(c)(i).

- 436 (d) The licensing board may not issue a license to an eligible applicant that the  
437 department has selected to receive a license until the selected eligible applicant  
438 complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 439 (e) If the licensing board receives more than one application for a medical cannabis  
440 pharmacy within the same city or town, the department shall consult with the local  
441 land use authority before approving any of the applications pertaining to that city or  
442 town.
- 443 (f) In considering the issuance of a medical cannabis pharmacy license under this  
444 section, the licensing board may consider the extent to which the pharmacy can  
445 increase efficiency and reduce cost to patients of medical cannabis.
- 446 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under  
447 this section, the department shall:
- 448 (i) charge the applicant an initial license fee in an amount that, subject to Subsection  
449 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 450 (ii) notify the Department of Public Safety of the license approval and the names of  
451 each individual described in Subsection (2)(b)(ii); and
- 452 (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5),  
453 the department sets in accordance with Section 63J-1-504, for any change in  
454 location, ownership, or company structure.
- 455 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis  
456 pharmacy located in a medically underserved area as determined by the federal  
457 Health Resources and Services Administration shall be 50% less than what is charged  
458 for other medical cannabis pharmacies.
- 459 (4) The licensing board may not issue a license to operate a medical cannabis pharmacy to  
460 an applicant if an individual described in Subsection (2)(b)(ii):
- 461 (a) has been convicted under state or federal law of:
- 462 (i) a felony in the preceding 10 years; or
- 463 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 464 (b) is younger than 21 years old; or
- 465 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 466 (5) If an applicant for a medical cannabis pharmacy license under this section holds another  
467 license under this chapter, the licensing board may not give preference to the applicant  
468 based on the applicant's status as a holder of the license.
- 469 (6) The licensing board may revoke a license under this part:

- 470 (a) if the medical cannabis pharmacy does not begin operations within one year after the  
471 day on which the department issues an announcement of the department's intent to  
472 award a license to the medical cannabis pharmacy;
- 473 (b) after the third of the same violation of this chapter in any of the licensee's licensed  
474 cannabis production establishments or medical cannabis pharmacies;
- 475 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is  
476 active, under state or federal law of:  
477 (i) a felony; or  
478 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 479 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
480 the time of application, or fails to supplement the information described in  
481 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the  
482 submission of the application within 14 calendar days after the licensee receives  
483 notice of the investigation or adverse action;
- 484 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the  
485 requirements of this chapter or the rules the department makes in accordance with  
486 this chapter;
- 487 (f) if, after a change of ownership described in Subsection (10)(c), the department  
488 determines that the medical cannabis pharmacy no longer meets the minimum  
489 standards for licensure and operation of the medical cannabis pharmacy described in  
490 this chapter; or
- 491 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in  
492 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the licensing  
493 board finds that the licensee has participated in anticompetitive business practices.
- 494 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if  
495 the municipality or county where the licensed medical cannabis pharmacy will be  
496 located requires a local land use permit, shall submit to the department a copy of the  
497 licensee's approved application for the land use permit within 120 days after the day  
498 on which the department issues the license.
- 499 (b) If a licensee fails to submit to the department a copy the licensee's approved land use  
500 permit application in accordance with Subsection (7)(a), the department may revoke  
501 the licensee's license.
- 502 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
503 Qualified Production Enterprise Fund.

- 504 (9)(a) The licensing board's authority to issue a license under this section is plenary and  
 505 is not subject to review.
- 506 (b) Notwithstanding Subsection (2), the decision of the department to award a license to  
 507 an applicant is not subject to:
- 508 (i) Title 63G, Chapter 6a, Part 16, Protests; or  
 509 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 510 (10)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 511 (b) A medical cannabis pharmacy shall report in writing to the department no later than  
 512 45 business days before the date of any change of ownership of the medical cannabis  
 513 pharmacy.
- 514 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 515 (i) concurrent with the report described in Subsection (10)(b), the medical cannabis  
 516 pharmacy shall submit a new application described in Subsection (2)(b), subject to  
 517 Subsection (2)(c);
- 518 (ii) within [~~30~~] 60 days of the submission of the application, the licensing board shall:
- 519 (A) conduct an application review; and  
 520 (B) award a license to the medical cannabis pharmacy for the remainder of the  
 521 term of the medical cannabis pharmacy's license before the ownership change  
 522 if the medical cannabis pharmacy meets the minimum standards for licensure  
 523 and operation of the medical cannabis pharmacy described in this chapter; and
- 524 (iii) if the department approves the license application, notwithstanding Subsection  
 525 (3), the medical cannabis pharmacy shall pay a license fee that the department sets  
 526 in accordance with Section 63J-1-504 in an amount that covers the department's  
 527 cost of conducting the application review.

528 Section 5. Section **4-41a-1101** is amended to read:

529 **4-41a-1101 . Operating requirements -- General.**

- 530 (1)(a) A medical cannabis pharmacy shall operate:
- 531 (i) at the physical address provided to the department under Section 4-41a-1001; and  
 532 (ii) in accordance with the operating plan provided to the department under Section  
 533 4-41a-1001 and, if applicable, Section 4-41a-1004.
- 534 (b) A medical cannabis pharmacy shall notify the department before a change in the  
 535 medical cannabis pharmacy's physical address or operating plan.
- 536 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 537 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

- 538 (b) except as provided in Subsection (4):
- 539 (i) possesses a valid:
- 540 (A) medical cannabis pharmacy agent registration card;
- 541 (B) pharmacy medical provider registration card; or
- 542 (C) medical cannabis card;
- 543 (ii) is an employee of the department performing an inspection under Section
- 544 4-41a-1103; or
- 545 (iii) is another individual as the department provides.
- 546 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
- 547 years old.
- 548 (4) Notwithstanding Subsection [~~(2)(a)~~] (2)(b), a medical cannabis pharmacy may authorize
- 549 an individual who is not a medical cannabis pharmacy agent or pharmacy medical
- 550 provider to access the medical cannabis pharmacy if the medical cannabis pharmacy
- 551 tracks and monitors the individual at all times while the individual is at the medical
- 552 cannabis pharmacy and maintains a record of the individual's access.
- 553 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 554 (a) a single, secure public entrance;
- 555 (b) a security system with a backup power source that:
- 556 (i) detects and records entry into the medical cannabis pharmacy; and
- 557 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 558 cannabis pharmacy is closed; and
- 559 (c) a lock on each area where the medical cannabis pharmacy stores medical cannabis.
- 560 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 561 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 562 4-41a-1102(2).
- 563 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(b), a medical
- 564 cannabis pharmacy may not allow any individual to consume cannabis on the property
- 565 or premises of the medical cannabis pharmacy.
- 566 (8) A medical cannabis pharmacy may not sell medical cannabis without first indicating on
- 567 the medical cannabis label the name of the medical cannabis pharmacy.
- 568 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 569 following information regarding each recommendation underlying a transaction:
- 570 (i) the recommending medical provider's name, address, and telephone number;
- 571 (ii) the patient's name and address;

- 572 (iii) the date of issuance;
- 573 (iv) directions of use and dosing guidelines or an indication that the recommending  
574 medical provider did not recommend specific directions of use or dosing  
575 guidelines; and
- 576 (v) if the patient did not complete the transaction, the name of the medical cannabis  
577 cardholder who completed the transaction.
- 578 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may  
579 not sell medical cannabis unless the medical cannabis has a label securely affixed  
580 to the container indicating the following minimum information:
- 581 (A) the name, address, and telephone number of the medical cannabis pharmacy;
  - 582 (B) the unique identification number that the medical cannabis pharmacy assigns;
  - 583 (C) the date of the sale;
  - 584 (D) the name of the patient;
  - 585 (E) the name of the recommending medical provider who recommended the  
586 medical cannabis treatment;
  - 587 (F) directions for use and cautionary statements, if any;
  - 588 (G) the amount dispensed and the cannabinoid content;
  - 589 (H) the suggested use date;
  - 590 (I) for unprocessed cannabis flower, the legal use termination date; and
  - 591 (J) any other requirements that the department determines, in consultation with the  
592 Division of Professional Licensing and the Board of Pharmacy.
- 593 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the  
594 following information under Subsection (9)(b)(i) if the information is already  
595 provided on the product label that a cannabis production establishment affixes:
- 596 (A) a unique identification number;
  - 597 (B) directions for use and cautionary statements;
  - 598 (C) amount and cannabinoid content; and
  - 599 (D) a suggested use date.
- 600 (iii) If the size of a medical cannabis container does not allow sufficient space to  
601 include the labeling requirements described in Subsection (9)(b)(i), the medical  
602 cannabis pharmacy may provide the following information described in  
603 Subsection (9)(b)(i) on a supplemental label attached to the container or an  
604 informational enclosure that accompanies the container:
- 605 (A) the cannabinoid content;

- 606 (B) the suggested use date; and
- 607 (C) any other requirements that the department determines.
- 608 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
- 609 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 610 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 611 (a) upon receipt of an order from a recommending medical provider in accordance with
- 612 Subsections 26B-4-204(1)(b) and (c):
- 613 (i) for a written order or an electronic order under circumstances that the department
- 614 determines, contact the recommending medical provider or the recommending
- 615 medical provider's office to verify the validity of the recommendation; and
- 616 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 617 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
- 618 to verification under Subsection (10)(a)(i), enter the recommending medical
- 619 provider's recommendation or renewal, including any associated directions of use,
- 620 dosing guidelines, or caregiver indication, in the state electronic verification
- 621 system;
- 622 (b) in processing an order for a holder of a conditional medical cannabis card described
- 623 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
- 624 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
- 625 recommending medical provider or the recommending medical provider's office to
- 626 verify the validity of the recommendation before processing the cardholder's order;
- 627 (c) unless the medical cannabis cardholder has had a consultation under Subsection
- 628 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
- 629 purchase of medical cannabis or a medical cannabis device, personal counseling with
- 630 the pharmacy medical provider; and
- 631 (d) provide a telephone number or website by which the cardholder may contact a
- 632 pharmacy medical provider for counseling.
- 633 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
- 634 that allows an individual to deposit unused or excess medical cannabis or cannabis
- 635 residue from a medical cannabis device in a locked box or other secure receptacle
- 636 within the medical cannabis pharmacy.
- 637 (b) A medical cannabis pharmacy with a disposal program described in Subsection
- 638 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
- 639 medical provider can access deposited medical cannabis.

- 640 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 641 (i) rendering the deposited medical cannabis unusable and unrecognizable before
- 642 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 643 (ii) disposing of the deposited medical cannabis in accordance with:
- 644 (A) federal and state law, rules, and regulations related to hazardous waste;
- 645 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 646 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 647 (D) other regulations that the department makes in accordance with Title 63G,
- 648 Chapter 3, Utah Administrative Rulemaking Act.
- 649 (12) A medical cannabis pharmacy:
- 650 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
- 651 Practice Act, as a pharmacy medical provider;
- 652 (b) may employ a physician who has the authority to write a prescription and is licensed
- 653 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 654 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 655 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
- 656 onsite during all business hours;
- 657 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
- 658 pharmacist-in-charge to oversee the operation of and generally supervise the medical
- 659 cannabis pharmacy;
- 660 (e) shall allow the pharmacist-in-charge to determine which medical cannabis products
- 661 the medical cannabis pharmacy maintains in the medical cannabis pharmacy's
- 662 inventory;
- 663 (f) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
- 664 (i) allow a medical cannabis cardholder located in the pharmacy to view the ~~[back-]~~
- 665 fact panel of the product when requested; and
- 666 (ii) beginning July 1, 2025, include a picture of the ~~[back-]~~ fact panel of the product on
- 667 the medical cannabis pharmacy's website;
- 668 (g) shall maintain a video surveillance system that:
- 669 (i) tracks all handling of medical cannabis in the pharmacy;
- 670 (ii) is tamper proof; and
- 671 (iii) stores a video record for at least 45 days;
- 672 (h) shall provide the department access to the video surveillance system upon request;
- 673 (i) if a patient product information insert is available, shall provide a patient who

674 purchases a medical cannabis product the medical cannabis product's patient product  
675 information insert using any of the following methods:

676 (i) a physical document;

677 (ii) an email message;

678 (iii) a text message; or

679 (iv) a quick response code; and

680 (j) may not allow a recommending medical provider to recommend medical cannabis as  
681 part of an event that:

682 (i) is a temporary gathering, market, clinic, or promotional event;

683 (ii) operates in a temporary tent or structure; and

684 (iii) is held within 500 feet of the medical cannabis pharmacy's property line.

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

688 Section 6. Section **4-41a-1106** is amended to read:

689 **4-41a-1106 . Medical cannabis pharmacy agent -- Registration.**

690 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
691 cannabis pharmacy unless the department registers the individual as a medical cannabis  
692 pharmacy agent.

693 (2) A recommending medical provider may not act as a medical cannabis pharmacy agent,  
694 have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or  
695 have the power to direct or cause the management or control of a medical cannabis  
696 pharmacy.

697 (3)(a) The department shall, within 15 days after the day on which the department  
698 receives a complete application from a medical cannabis pharmacy on behalf of a  
699 prospective medical cannabis pharmacy agent, register and issue a medical cannabis  
700 pharmacy agent registration card to the prospective agent if the medical cannabis  
701 pharmacy:

702 (i) provides to the department:

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

704 (B) the name and location of the licensed medical cannabis pharmacy where the  
705 prospective agent seeks to act as the medical cannabis pharmacy agent; and

706 (C) the submission required under Subsection (3)(b); and

707 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),

- 708 the department sets in accordance with Section 63J-1-504.
- 709 (b) Each prospective agent described in Subsection (3)(a) shall:
- 710 (i) submit to the department:
- 711 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 712 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 713 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 714 Investigation Next Generation Identification System's Rap Back Service; and
- 715 (ii) consent to a fingerprint background check by:
- 716 (A) the Bureau of Criminal Identification; and
- 717 (B) the Federal Bureau of Investigation.
- 718 (c) The Bureau of Criminal Identification shall:
- 719 (i) check the fingerprints the prospective agent submits under Subsection (3)(b)
- 720 against the applicable state, regional, and national criminal records databases,
- 721 including the Federal Bureau of Investigation Next Generation Identification
- 722 System;
- 723 (ii) report the results of the background check to the department;
- 724 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 725 Subsection (3)(b) for search by future submissions to the local and regional
- 726 criminal records databases, including latent prints;
- 727 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 728 Next Generation Identification System's Rap Back Service for search by future
- 729 submissions to national criminal records databases, including the Next Generation
- 730 Identification System and latent prints; and
- 731 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 732 receives notifications for an individual with whom the department maintains an
- 733 authorizing relationship.
- 734 (d) The department shall:
- 735 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 736 amount that the department sets in accordance with Section 63J-1-504 for the
- 737 services that the Bureau of Criminal Identification or another authorized agency
- 738 provides under this section; and
- 739 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 740 Identification.
- 741 (4) A medical cannabis pharmacy agent shall comply with a certification standard that the

- 742 department develops in collaboration with the Division of Professional Licensing and  
743 the Board of Pharmacy, or a third-party certification standard that the department  
744 designates by rule, in collaboration with the Division of Professional Licensing and the  
745 Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
746 Rulemaking Act.
- 747 (5) The department shall ensure that the certification standard described in Subsection (4)  
748 includes training in:
- 749 (a) Utah medical cannabis law; and  
750 (b) medical cannabis pharmacy best practices.
- 751 (6) The department [~~may~~] shall revoke the medical cannabis pharmacy agent registration  
752 card of, or refuse to issue a medical cannabis pharmacy agent registration card to, an  
753 individual who:
- 754 (a) violates the requirements of this chapter; or  
755 (b) is convicted under state or federal law of:
- 756 (i) a felony within the preceding 10 years; or  
757 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 758 (7)(a) A medical cannabis pharmacy agent registration card expires two years after the  
759 day on which the department issues or renews the card.
- 760 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
761 agent:
- 762 (i) is eligible for a medical cannabis pharmacy agent registration card under this  
763 section;
- 764 (ii) certifies to the department in a renewal application that the information in  
765 Subsection (3)(a) is accurate or updates the information; and  
766 (iii) pays to the department a renewal fee in an amount that:
- 767 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
768 Section 63J-1-504; and  
769 (B) may not exceed the cost of the relatively lower administrative burden of  
770 renewal in comparison to the original application process.
- 771 [~~(8)(a) As a condition precedent to registration and renewal of a medical cannabis~~  
772 ~~pharmacy agent registration card, a medical cannabis pharmacy agent shall:]~~
- 773 [~~(i) complete at least one hour of continuing education regarding patient privacy and~~  
774 ~~federal health information privacy laws that is offered by the department under~~  
775 ~~Subsection (8)(b) or an accredited or approved continuing education provider that~~

776 the department recognizes as offering continuing education appropriate for the  
777 medical cannabis pharmacy practice; and]

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

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

784 [(e) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each  
785 medical cannabis pharmacy agent working in the medical cannabis pharmacy who  
786 has access to the state electronic verification system is in compliance with this  
787 Subsection (8).]

788 [(d) A medical cannabis pharmacy agent may not access the electronic verification  
789 system following the termination of the medical cannabis pharmacy agent's  
790 employment.]

791 [(9)] (8) A medical cannabis pharmacy shall:

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

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

795 Section 7. Section **4-41a-1201** is amended to read:

796 **4-41a-1201 . Medical cannabis home delivery designation.**

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

800 (a) safely conduct transactions for medical cannabis shipments; and

801 (b) accept electronic medical cannabis orders[; ~~and~~] .

802 [(e) accept payments through:]

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

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

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

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

- 810 (b) the nature of the relationship between the prospective licensee and the payment  
 811 provider;
- 812 (c) the processes [~~of the following~~] followed to safely and reliably conduct transactions  
 813 for medical cannabis shipments[~~;~~].  
 814 [~~(i) the prospective licensee; and~~]  
 815 [~~(ii) the electronic payment provider or the financial institution described in~~  
 816 ~~Subsection (1)(c); and~~]
- 817 (d) the ability of the licensee to comply with the department's rules regarding the secure  
 818 transportation and delivery of medical cannabis to a medical cannabis cardholder.
- 819 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that  
 820 the department designates as a home delivery medical cannabis pharmacy may deliver  
 821 medical cannabis shipments in accordance with this part.

822 Section 8. Section **4-41a-1204** is amended to read:

823 **4-41a-1204 . Medical cannabis courier agent -- Background check -- Registration**  
 824 **card -- Rebuttable presumption.**

- 825 (1) An individual may not serve as a medical cannabis courier agent unless the department  
 826 registers the individual as a medical cannabis courier agent.
- 827 (2)(a) The department shall, within 15 days after the day on which the department  
 828 receives a complete application from a medical cannabis courier on behalf of a  
 829 medical cannabis courier agent, register and issue a medical cannabis courier agent  
 830 registration card to the prospective agent if the medical cannabis courier:
- 831 (i) provides to the department:
- 832 (A) the prospective agent's name and address;
- 833 (B) the name and address of the medical cannabis courier;
- 834 (C) the name and address of each home delivery medical cannabis pharmacy with  
 835 which the medical cannabis courier contracts to deliver medical cannabis  
 836 shipments; and
- 837 (D) the submission required under Subsection (2)(b);
- 838 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal  
 839 law of:
- 840 (A) a felony; or
- 841 (B) after December 3, 2018, a misdemeanor for drug distribution; and
- 842 (iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5),  
 843 the department sets in accordance with Section 63J-1-504.

- 844 (b) Each prospective agent described in Subsection (2)(a) shall:
- 845 (i) submit to the department:
- 846 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 847 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 848 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 849 Investigation Next Generation Identification System's Rap Back Service; and
- 850 (ii) consent to a fingerprint background check by:
- 851 (A) the Bureau of Criminal Identification; and
- 852 (B) the Federal Bureau of Investigation.
- 853 (c) The Bureau of Criminal Identification shall:
- 854 (i) check the fingerprints the prospective agent submits under Subsection (2)(b)
- 855 against the applicable state, regional, and national criminal records databases,
- 856 including the Federal Bureau of Investigation Next Generation Identification
- 857 System;
- 858 (ii) report the results of the background check to the department;
- 859 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 860 Subsection (2)(b) for search by future submissions to the local and regional
- 861 criminal records databases, including latent prints;
- 862 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 863 Next Generation Identification System's Rap Back Service for search by future
- 864 submissions to national criminal records databases, including the Next Generation
- 865 Identification System and latent prints; and
- 866 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 867 receives notifications for an individual with whom the department maintains an
- 868 authorizing relationship.
- 869 (d) The department shall:
- 870 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
- 871 amount that the department sets in accordance with Section 63J-1-504 for the
- 872 services that the Bureau of Criminal Identification or another authorized agency
- 873 provides under this section; and
- 874 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
- 875 Identification.
- 876 (3)(a) A medical cannabis courier agent shall comply with a certification standard that
- 877 the department develops, in collaboration with the Division of Professional Licensing

- 878 and the Board of Pharmacy, or a third-party certification standard that the department  
879 designates by rule in collaboration with the Division of Professional Licensing and  
880 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
881 Administrative Rulemaking Act.
- 882 (b) The department shall ensure that the certification standard described in Subsection  
883 (3)(a) includes training in:
- 884 (i) Utah medical cannabis law;
- 885 (ii) the medical cannabis shipment process; and
- 886 (iii) medical cannabis courier agent best practices.
- 887 (4)(a) A medical cannabis courier agent registration card expires two years after the day  
888 on which the department issues or renews the card.
- 889 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:
- 890 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 891 (ii) certifies to the department in a renewal application that the information in  
892 Subsection (2)(a) is accurate or updates the information; and
- 893 (iii) pays to the department a renewal fee in an amount that:
- 894 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
895 Section 63J-1-504; and
- 896 (B) may not exceed the cost of the relatively lower administrative burden of  
897 renewal in comparison to the original application process.
- 898 (5) The department [~~may~~] shall revoke or refuse to issue or renew the medical cannabis  
899 courier agent registration card of an individual who:
- 900 (a) violates the requirements of this chapter; or
- 901 (b) is convicted under state or federal law of:
- 902 (i) a felony within the preceding 10 years; or
- 903 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 904 (6) A medical cannabis courier agent whom the department has registered under this section  
905 shall carry the agent's medical cannabis courier agent registration card with the agent at  
906 all times when:
- 907 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis  
908 pharmacy, or a delivery address; and
- 909 (b) the agent is handling a medical cannabis shipment.
- 910 (7) If a medical cannabis courier agent handling a medical cannabis shipment possesses the  
911 shipment in compliance with Subsection (6):

- 912 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and  
 913 (b) there is no probable cause, based solely on the agent's possession of the medical  
 914 cannabis shipment that the agent is engaging in illegal activity.

915 (8)(a) A medical cannabis courier agent who violates Subsection (6) is:

- 916 (i) guilty of an infraction; and  
 917 (ii) subject to a \$100 fine.

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

921 (9) A medical cannabis courier shall:

- 922 (a) maintain a list of employees who have a medical cannabis courier agent card; and  
 923 (b) provide the list to the department upon request.

924 Section 9. Section **4-41a-1205** is amended to read:

925 **4-41a-1205 . Home delivery of medical cannabis shipments.**

926 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical  
 927 cannabis courier agent may not deliver a medical cannabis shipment from a home  
 928 delivery medical cannabis pharmacy unless:

929 (a) the individual receiving the shipment presents:

- 930 (i) a government issued photo identification; and  
 931 (ii)(A) a valid medical cannabis card under the same name that appears on the  
 932 government issued photo identification; or  
 933 (B) for a facility that a medical cannabis cardholder has designated as a caregiver  
 934 under Subsection 26B-4-214(1)(b), evidence of the facility caregiver  
 935 designation; and

936 (b) the delivery occurs at:

- 937 (i) the delivery address that is on file in the state electronic verification system; or  
 938 (ii) the facility that the medical cannabis cardholder has designated as a caregiver  
 939 under Subsection 26B-4-214(1)(b).

940 (2)(a) A medical cannabis pharmacy agent may not deliver a medical cannabis shipment  
 941 on behalf of a home delivery medical cannabis pharmacy unless the medical cannabis  
 942 pharmacy agent is currently employed by the home delivery medical cannabis  
 943 pharmacy.

944 (b) A medical cannabis courier agent may not deliver a medical cannabis shipment on  
 945 behalf of a medical cannabis courier unless the medical cannabis courier agent is

- 946 currently employed by the medical cannabis courier.
- 947 (c) Before a medical cannabis pharmacy agent or a medical cannabis courier agent  
948 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent  
949 shall:
- 950 (i) verify the shipment information using the state electronic verification system;  
951 (ii) ensure that the individual satisfies the identification requirements in Subsection  
952 (1);  
953 (iii) verify that payment is complete; and  
954 (iv) record the completion of the shipment transaction in a manner such that the  
955 delivery of the shipment will later be recorded within a reasonable period in the  
956 electronic verification system.
- 957 (3) ~~[The]~~ When delivering a medical cannabis shipment, a home delivery medical cannabis  
958 pharmacy or medical cannabis courier shall:
- 959 ~~(a)~~~~(i)~~ store each medical cannabis shipment in a secure manner until the recipient  
960 medical cannabis cardholder receives the shipment or the medical cannabis  
961 courier returns the shipment to the home delivery medical cannabis pharmacy in  
962 accordance with Subsection (4); ~~[and]~~
- 963 ~~(ii)~~ ~~(b)~~ use adequate storage or shipping containers and shipping processes to ensure  
964 medical cannabis stability and potency and appropriate storage temperatures  
965 throughout delivery;
- 966 ~~(c)~~ use shipping containers sealed in a manner to detect evidence of opening or  
967 tampering;
- 968 ~~(d)~~ ensure that only a home delivery medical cannabis pharmacy agent or medical  
969 cannabis courier agent is able to access the medical cannabis shipment until the  
970 recipient medical cannabis cardholder receives the shipment;
- 971 ~~(b)~~ ~~(e)~~ return any undelivered medical cannabis shipment to the home delivery medical  
972 cannabis pharmacy, in accordance with Subsection (4),~~[after the medical cannabis~~  
973 ~~courier has possessed the shipment for 10 business days]~~ within 14 days from the day  
974 the medical cannabis shipment was shipped; and
- 975 ~~(e)~~ ~~(f)~~ return any medical cannabis shipment to the home delivery medical cannabis  
976 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder  
977 refuses to accept the shipment.
- 978 (4)(a) If a medical cannabis courier or home delivery medical cannabis pharmacy agent  
979 returns an undelivered medical cannabis shipment ~~[that remains unopened, the home~~

980 ~~delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment]~~  
 981 before the home delivery medical cannabis pharmacy may repackage the medical  
 982 cannabis in the returned medical cannabis shipment, the pharmacist at the home  
 983 delivery medical cannabis pharmacy shall:

984 (i) verify that the medical cannabis was returned to the original home delivery  
 985 medical cannabis pharmacy within 14 days from the day the medical cannabis was  
 986 shipped; and  
 987 (ii) determine in the pharmacist's clinical judgment that the medical cannabis's  
 988 integrity is intact and the security of the drug packaging has not been compromised.

989 (b) ~~[If a medical cannabis courier or home delivery medical cannabis pharmacy agent~~  
 990 ~~returns an undelivered or refused medical cannabis shipment under Subsection (3)~~  
 991 ~~that appears to be opened in any way]~~ For returned medical cannabis described in  
 992 Subsection (4)(a) that a pharmacist deems does not comply with Subsection (4)(a)(i)  
 993 or (ii), the home delivery medical cannabis pharmacy shall dispose of the [shipment]  
 994 medical cannabis by:

995 (i) rendering the [shipment] medical cannabis unusable and unrecognizable before  
 996 transporting the [shipment] medical cannabis from the home delivery medical  
 997 cannabis pharmacy; and

998 (ii) disposing of the [shipment] medical cannabis in accordance with:  
 999 (A) federal and state laws, rules, and regulations related to hazardous waste;  
 1000 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;;  
 1001 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and  
 1002 (D) other regulations that the department makes in accordance with Title 63G,  
 1003 Chapter 3, Utah Administrative Rulemaking Act.

1004 Section 10. Section **26B-1-310** is amended to read:

1005 **26B-1-310 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**  
 1006 **-- Uniform fee.**

1007 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."

1008 (2) The fund created in this section is funded from:

1009 (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid  
 1010 Research and Medical Cannabis;

1011 (b) appropriations the Legislature makes to the fund; and

1012 (c) the interest described in Subsection (3).

1013 (3) Interest earned on the fund shall be deposited into the fund.

- 1014 (4) Money deposited into the fund may only be used by:
- 1015 (a) the department to accomplish the department's responsibilities described in Chapter
- 1016 4, Part 2, Cannabinoid Research and Medical Cannabis;
- 1017 (b) the Center for Medical Cannabis Research created in Section 53H-4-206 to
- 1018 accomplish the Center for Medical Cannabis Research's responsibilities; and
- 1019 (c) ~~[the Department of Agriculture and Food for the one-time purchase of equipment to~~
- 1020 ~~meet the requirements described in Section 4-41a-204.1.]~~ if there is remaining money
- 1021 in the fund balance on June 30 of each fiscal year after all other financial obligations
- 1022 under this Subsection (4) are met, the department shall provide up to \$300,000 for
- 1023 expenditure the next fiscal year to the nonprofit contracting entity described in S
- 1024 ection 26B-4-248.
- 1025 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research
- 1026 and Medical Cannabis, in amounts that the department anticipates are necessary, in total,
- 1027 to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research
- 1028 and Medical Cannabis.
- 1029 (6) The department may impose a uniform fee on each medical cannabis transaction in a
- 1030 medical cannabis pharmacy in an amount that, subject to Subsection (5), the department
- 1031 sets in accordance with Section 63J-1-504.
- 1032 Section 11. Section **26B-1-421** is amended to read:
- 1033 **26B-1-421 . Compassionate Use Board.**
- 1034 (1) The definitions in Section 26B-4-201 apply to this section.
- 1035 (2)(a) The department shall establish a Compassionate Use Board consisting of:
- 1036 (i) seven ~~[qualified]~~ recommending medical providers that the executive director
- 1037 appoints with the advice and consent of the Senate:
- 1038 (A) who are knowledgeable about the medicinal use of cannabis;
- 1039 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice
- 1040 Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 1041 (C) who are board certified by the American Board of Medical Specialties or an
- 1042 American Osteopathic Association Specialty Certifying Board in the specialty
- 1043 of neurology, pain medicine and pain management, medical oncology,
- 1044 psychiatry, infectious disease, internal medicine, pediatrics, family medicine,
- 1045 or gastroenterology; and
- 1046 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
- 1047 executive director or the director's designee.

- 1048 (b) In appointing the seven [qualified] recommending medical providers described in  
1049 Subsection [~~(2)(a)~~] (2)(a)(i), the executive director shall ensure that at least two have a  
1050 board certification in pediatrics.
- 1051 (3)(a) Of the members of the Compassionate Use Board that the executive director first  
1052 appoints:
- 1053 (i) three shall serve an initial term of two years; and  
1054 (ii) the remaining members shall serve an initial term of four years.
- 1055 (b) After an initial term described in Subsection (3)(a) expires:
- 1056 (i) each term is four years; and  
1057 (ii) each board member is eligible for reappointment.
- 1058 (c) A member of the Compassionate Use Board may serve until a successor is appointed.  
1059 (d) Four members constitute a quorum of the Compassionate Use Board.
- 1060 (4) A member of the Compassionate Use Board may receive:
- 1061 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's  
1062 service; and  
1063 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the  
1064 Division of Finance in accordance with Section 63A-3-107.
- 1065 (5) The Compassionate Use Board shall:
- 1066 (a) review and recommend for department approval a petition to the board regarding an  
1067 individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection  
1068 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical  
1069 cannabis card to obtain a medical cannabis card for compassionate use, for the  
1070 standard or a reduced period of validity, if:
- 1071 (i) for an individual who is not otherwise qualified to receive a medical cannabis  
1072 card, the individual's recommending medical provider is actively treating the  
1073 individual for an intractable condition that:
- 1074 (A) substantially impairs the individual's quality of life; and  
1075 (B) has not, in the recommending medical provider's professional opinion,  
1076 adequately responded to conventional treatments;
- 1077 (ii) the recommending medical provider:
- 1078 (A) recommends that the individual or minor be allowed to use medical cannabis;  
1079 and  
1080 (B) provides a letter, relevant treatment history, and notes or copies of progress  
1081 notes describing relevant treatment history including rationale for considering

- 1082 the use of medical cannabis; and
- 1083 (iii) the Compassionate Use Board determines that:
- 1084 (A) the recommendation of the individual's recommending medical provider is
- 1085 justified; and
- 1086 (B) based on available information, it may be in the best interests of the individual
- 1087 to allow the use of medical cannabis;
- 1088 (b) when a recommending medical provider recommends that an individual described in
- 1089 Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c)
- 1090 be allowed to use a medical cannabis device or medical cannabis to vaporize a
- 1091 medical cannabis treatment, review and approve or deny the use of the medical
- 1092 cannabis device or medical cannabis;
- 1093 (c) unless no petitions are pending:
- 1094 (i) meet to receive or review compassionate use petitions at least quarterly; and
- 1095 (ii) if there are more petitions than the board can receive or review during the board's
- 1096 regular schedule, as often as necessary;
- 1097 (d) except as provided in Subsection (6), complete a review of each petition and
- 1098 recommend to the department approval or denial of the applicant for qualification for
- 1099 a medical cannabis card within 90 days after the day on which the board received the
- 1100 petition; and
- 1101 (e) consult with the department regarding the criteria described in Subsection (6).
- 1102 (6) The department shall make rules, in consultation with the Compassionate Use Board
- 1103 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
- 1104 establish a process and criteria for a petition to the board to automatically qualify for
- 1105 expedited final review and approval or denial by the department in cases where, in the
- 1106 determination of the department and the board:
- 1107 (a) time is of the essence;
- 1108 (b) engaging the full review process would be unreasonable in light of the petitioner's
- 1109 physical condition; and
- 1110 (c) sufficient factors are present regarding the petitioner's safety.
- 1111 (7)(a)(i) The department shall review:
- 1112 (A) any compassionate use for which the Compassionate Use Board recommends
- 1113 approval under Subsection (5)(d) to determine whether the board properly
- 1114 exercised the board's discretion under this section; and
- 1115 (B) any expedited petitions the department receives under the process described in

- 1116 Subsection (6).
- 1117 (ii) If the department determines that the Compassionate Use Board properly
- 1118 exercised the board's discretion in recommending approval under Subsection (5)(d)
- 1119 or that the expedited petition merits approval based on the criteria established in
- 1120 accordance with Subsection (6), the department shall:
- 1121 (A) issue the relevant medical cannabis card; and
- 1122 (B) provide for the renewal of the medical cannabis card in accordance with the
- 1123 recommendation of the recommending medical provider described in
- 1124 Subsection (5)(a).
- 1125 (b) If the Compassionate Use Board recommends denial under Subsection (5)(d), the
- 1126 individual seeking to obtain a medical cannabis card may petition the department to
- 1127 review the board's decision.
- 1128 (c) In reviewing the Compassionate Use Board's recommendation for approval or denial
- 1129 under Subsection (5)(d) in accordance with this Subsection (7), the department shall
- 1130 presume the board properly exercised the board's discretion unless the department
- 1131 determines that the board's recommendation was arbitrary or capricious.
- 1132 (8) Any individually identifiable health information contained in a petition that the
- 1133 Compassionate Use Board or department receives under this section is a protected
- 1134 record in accordance with Title 63G, Chapter 2, Government Records Access and
- 1135 Management Act.
- 1136 (9) The Compassionate Use Board shall annually report the board's activity to the advisory
- 1137 board.
- 1138 Section 12. Section **26B-4-201** is amended to read:
- 1139 **26B-4-201 . Definitions.**
- 1140 As used in this part:
- 1141 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
- 1142 tetrahydrocannabinolic acid.
- 1143 (2) "Administration of criminal justice" means the performance of detection, apprehension,
- 1144 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1145 (3) "Advertise" means information provided by a person in any medium:
- 1146 (a) to the public; and
- 1147 (b) that is not age restricted to an individual who is at least 21 years old.
- 1148 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 1149 Section 26B-1-435.

- 1150 (5) "Cannabis" means marijuana.
- 1151 (6) "Cannabis processing facility" means the same as that term is defined in Section  
1152 4-41a-102.
- 1153 (7) "Cannabis product" means a product that:
- 1154 (a) is intended for human use; and
- 1155 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total  
1156 concentration of 0.3% or greater on a dry weight basis.
- 1157 (8) "Cannabis production establishment" means the same as that term is defined in Section  
1158 4-41a-102.
- 1159 (9) "Cannabis production establishment agent" means the same as that term is defined in  
1160 Section 4-41a-102.
- 1161 (10) "Cannabis production establishment agent registration card" means the same as that  
1162 term is defined in Section 4-41a-102.
- 1163 (11) "Conditional medical cannabis card" means an electronic medical cannabis card that  
1164 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an  
1165 applicant for a medical cannabis card to access medical cannabis during the department's  
1166 review of the application.
- 1167 (12) "Controlled substance database" means the controlled substance database created in  
1168 Section 58-37f-201.
- 1169 (13) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1170 (14) "Department" means the Department of Health and Human Services.
- 1171 (15) "Designated caregiver" means:
- 1172 (a) an individual:
- 1173 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
1174 guardian card designates as the patient's caregiver; and
- 1175 (ii) who registers with the department under Section 26B-4-214; or
- 1176 (b)(i) a facility that an individual designates as a designated caregiver in accordance  
1177 with Subsection 26B-4-214(1)(b); or
- 1178 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1179 (16) "Directions of use" means recommended routes of administration for a medical  
1180 cannabis treatment and suggested usage guidelines.
- 1181 (17) "Dosing guidelines" means a quantity range and frequency of administration for a  
1182 recommended treatment of medical cannabis.
- 1183 (18) "Government issued photo identification" means any of the following forms of

- 1184 identification:
- 1185 (a) a valid state-issued driver license or identification card;
- 1186 (b) a valid United States federal-issued photo identification, including:
- 1187 (i) a United States passport;
- 1188 (ii) a United States passport card;
- 1189 (iii) a United States military identification card; or
- 1190 (iv) a permanent resident card or alien registration receipt card; [~~or~~]
- 1191 (c) a foreign passport[-] ; or
- 1192 (d) a tribal government-issued photo identification.
- 1193 (19) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
- 1194 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
- 1195 shipments to a delivery address to fulfill electronic orders.
- 1196 (20) "Incapacitated" means the same as that term is defined in Section 75-1-201.
- 1197 [~~(20)~~] (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1198 [~~(21)~~] (22) "Legal dosage limit" means an amount that:
- 1199 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1200 relevant recommending medical provider or pharmacy medical provider, in
- 1201 accordance with Subsection 26B-4-231(5), recommends; and
- 1202 (b) may not exceed:
- 1203 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1204 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
- 1205 total, greater than 20 grams of active tetrahydrocannabinol.
- 1206 [~~(22)~~] (23) "Legal use termination date" means a date on the label of a container of
- 1207 unprocessed cannabis flower:
- 1208 (a) that is 60 days after the date of purchase of the cannabis; and
- 1209 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 1210 primary residence of the relevant medical cannabis patient cardholder.
- 1211 [~~(23)~~] (24) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1212 [~~(24)~~] (25) "Medical cannabis" or "medical cannabis product" means cannabis in a
- 1213 medicinal dosage form or a cannabis product in a medicinal dosage form.
- 1214 [~~(25)~~] (26) "Medical cannabis card" means a medical cannabis patient card, a medical
- 1215 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
- 1216 cannabis card.
- 1217 [~~(26)~~] (27) "Medical cannabis cardholder" means:

- 1218 (a) a holder of a medical cannabis card; or
- 1219 (b) a facility or assigned employee, described in Subsection (15)(b), only:
- 1220 (i) within the scope of the facility's or assigned employee's performance of the role of
- 1221 a medical cannabis patient cardholder's caregiver designation under Subsection
- 1222 26B-4-214(1)(b); and
- 1223 (ii) while in possession of documentation that establishes:
- 1224 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1225 (B) the identity of the individual presenting the documentation; and
- 1226 (C) the relation of the individual presenting the documentation to the caregiver
- 1227 designation.
- 1228 ~~[(27)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a
- 1229 cardholder may print or store on an electronic device or a physical card or document that:
- 1230 (a) the department issues to an individual whom a medical cannabis patient cardholder
- 1231 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 1232 (b) is connected to the electronic verification system.
- 1233 ~~[(28)]~~ (29) "Medical cannabis courier" means the same as that term is defined in Section
- 1234 4-41a-102.
- 1235 ~~[(29)]~~ (30)(a) "Medical cannabis device" means a device that an individual uses to ingest
- 1236 or inhale medical cannabis.
- 1237 (b) "Medical cannabis device" does not include a device that:
- 1238 (i) facilitates cannabis combustion; or
- 1239 (ii) an individual uses to ingest substances other than cannabis.
- 1240 ~~[(30)]~~ (31) "Medical cannabis guardian card" means an electronic document that a
- 1241 cardholder may print or store on an electronic device or a physical card or document that:
- 1242 (a) the department issues to the parent or legal guardian of a minor ~~[with a qualifying~~
- 1243 ~~condition]~~ or legal guardian of an incapacitated adult; and
- 1244 (b) is connected to the electronic verification system.
- 1245 ~~[(31)]~~ (32) "Medical cannabis patient card" means an electronic document that a cardholder
- 1246 may print or store on an electronic device or a physical card or document that:
- 1247 (a) the department issues to an individual with a qualifying condition; and
- 1248 (b) is connected to the electronic verification system.
- 1249 ~~[(32)]~~ (33) "Medical cannabis pharmacy" means a person that:
- 1250 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing
- 1251 facility or another medical cannabis pharmacy or a medical cannabis device; or

- 1252 (ii) possesses medical cannabis or a medical cannabis device; and
- 1253 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
- 1254 cannabis cardholder.
- 1255 [~~(33)~~] (34) "Medical cannabis pharmacy agent" means an individual who holds a valid
- 1256 medical cannabis pharmacy agent registration card issued by the department.
- 1257 [~~(34)~~] (35) "Medical cannabis pharmacy agent registration card" means a registration card
- 1258 issued by the department that authorizes an individual to act as a medical cannabis
- 1259 pharmacy agent.
- 1260 [~~(35)~~] (36) "Medical cannabis shipment" means the same as that term is defined in Section
- 1261 4-41a-102.
- 1262 [~~(36)~~] (37) "Medical cannabis treatment" means medical cannabis or a medical cannabis
- 1263 device.
- 1264 [~~(37)~~] (38)(a) "Medicinal dosage form" means:
- 1265 (i) for processed medical cannabis, the following with a specific and consistent
- 1266 cannabinoid content:
- 1267 (A) a tablet;
- 1268 (B) a capsule;
- 1269 (C) a concentrated liquid or viscous oil;
- 1270 (D) a liquid suspension that does not exceed 30 milliliters;
- 1271 (E) a topical preparation;
- 1272 (F) a transdermal preparation;
- 1273 (G) a sublingual preparation;
- 1274 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
- 1275 rectangular cuboid shape;
- 1276 (I) a resin or wax;
- 1277 (J) an aerosol;
- 1278 (K) a suppository preparation; or
- 1279 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
- 1280 spherical shape, is homogeneous in color and texture, and each piece is a single
- 1281 serving; or
- 1282 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1283 (A) contains cannabis flower in a quantity that varies by no more than 10% from
- 1284 the stated weight at the time of packaging;
- 1285 (B) at any time the medical cannabis cardholder transports or possesses the

1286 container in public, is contained within an opaque bag or box[~~that the medical~~  
1287 ~~cannabis pharmacy provides~~]; and

1288 (C) is labeled with the container's content and weight, the date of purchase, the  
1289 legal use termination date, and a barcode that provides information connected  
1290 to an inventory control system.

1291 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1292 (i) the medical cannabis cardholder has recently removed from the container

1293 described in Subsection [~~(37)(a)(ii)~~] (38)(a)(ii) for use; and

1294 (ii) does not exceed the quantity described in Subsection [~~(37)(a)(ii)~~] (38)(a)(ii).

1295 (c) "Medicinal dosage form" does not include:

1296 (i) any unprocessed cannabis flower outside of the container described in Subsection [  
1297 ~~(37)(a)(ii)~~] (38)(a)(ii), except as provided in Subsection [~~(37)(b)~~] (38)(b);

1298 (ii) any unprocessed cannabis flower in a container described in Subsection [  
1299 ~~(37)(a)(ii)~~] (38)(a)(ii) after the legal use termination date;

1300 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the  
1301 cannabis on a nail or other metal object that is heated by a flame, including a  
1302 blowtorch;

1303 (iv) a liquid suspension that is branded as a beverage;

1304 (v) a substance described in Subsection [~~(37)(a)(i)~~] (38)(a)(i) or (ii) if the substance is  
1305 not measured in grams, milligrams, or milliliters; or

1306 (vi) a substance that contains or is covered to any degree with chocolate.

1307 [~~(38)~~] (39) "Nonresident patient" means an individual who:

1308 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

1309 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
1310 card under the laws of another state, district, territory, commonwealth, or insular  
1311 possession of the United States; and

1312 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

1313 [~~(39)~~] (40) "Patient product information insert" means a single page document or webpage  
1314 that contains information about a medical cannabis product regarding:

1315 (a) how to use the product;

1316 (b) common side effects;

1317 (c) serious side effects;

1318 (d) dosage;

1319 (e) contraindications;

- 1320 (f) safe storage;
- 1321 (g) information on when a product should not be used; and
- 1322 (h) other information the department deems appropriate in consultation with the
- 1323 cannabis processing facility that created the product.
- 1324 [(40)] (41) "Pharmacy medical provider" means the medical provider required to be on site
- 1325 at a medical cannabis pharmacy under Section 26B-4-219.
- 1326 [(41)] (42) "Provisional patient card" means a card that:
- 1327 (a) the department issues to a minor [~~with a qualifying condition~~] or incapacitated adult
- 1328 for whom:
- 1329 (i) a recommending medical provider has recommended a medical cannabis
- 1330 treatment; and
- 1331 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1332 legal guardian or the incapacitated adult's legal guardian; and
- 1333 (b) is connected to the electronic verification system.
- 1334 [(42)] (43) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
- 1335 26B-1-310.
- 1336 [(43)] (44) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1337 [(44)] (45) "Recommend" or "recommendation" means, for a recommending medical
- 1338 provider, the act of suggesting the use of medical cannabis treatment, which:
- 1339 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1340 (b) may include, at the recommending medical provider's discretion, directions of use,
- 1341 with or without dosing guidelines.
- 1342 [(45)] (46) "Recommending medical provider" means an individual who:
- 1343 (a) meets the recommending qualifications;
- 1344 (b) completes four hours of continuing medical education specific to medical cannabis
- 1345 through formal or informal sources; and
- 1346 (c) every two years, provides an acknowledgment to the department that the individual
- 1347 completed four hours of continuing medical education.
- 1348 [(46)] (47) "Recommending qualifications" means that an individual:
- 1349 (a)(i) has the authority to write a prescription;
- 1350 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
- 1351 Controlled Substances Act; and
- 1352 (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 1353 prescribe a Schedule II controlled substance; and

- 1354 (b) is licensed as:
- 1355 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1356 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1357 Act;
- 1358 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 1359 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1360 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1361 [(47)] (48) "State electronic verification system" means the system described in Section

1362 26B-4-202.

1363 [(48)] (49) "Targeted marketing" means the promotion by a recommending medical

1364 provider, medical clinic, or medical office that employs a recommending medical

1365 provider of a medical cannabis recommendation service using any of the following

1366 methods:

- 1367 (a) electronic communication to an individual who is at least 21 years old and has
- 1368 requested to receive promotional information;
- 1369 (b) an in-person marketing event that is held in an area where only an individual who is
- 1370 at least 21 years old may access the event;
- 1371 (c) other marketing material that is physically or digitally displayed in the office of the
- 1372 medical clinic or office that employs a recommending medical provider; or
- 1373 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that
- 1374 employs a recommending medical provider shares with an individual who is at least
- 1375 21 years old.

1376 [(49)] (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a

1377 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1378 [(50)] (51) "THC analog" means the same as that term is defined in Section 4-41-102.

1379 Section 13. Section **26B-4-202** is amended to read:

1380 **26B-4-202 . Electronic verification system.**

- 1381 (1) The Department of Agriculture and Food, the department, the Department of Public
- 1382 Safety, and the Division of Technology Services shall:
- 1383 (a) enter into a memorandum of understanding in order to determine the function and
- 1384 operation of the state electronic verification system in accordance with Subsection (2);
- 1385 (b) coordinate with the Division of Purchasing and General Services, under Title 63G,
- 1386 Chapter 6a, Utah Procurement Code, to develop a request for proposals for a
- 1387 third-party provider to develop and maintain the state electronic verification system

- 1388 in coordination with the Division of Technology Services; and
- 1389 (c) select a third-party provider who:
- 1390 (i) meets the requirements contained in the request for proposals issued under
- 1391 Subsection (1)(b); and
- 1392 (ii) may not have any commercial or ownership interest in a cannabis production
- 1393 establishment or a medical cannabis pharmacy.
- 1394 (2) The Department of Agriculture and Food, the department, the Department of Public
- 1395 Safety, and the Division of Technology Services shall ensure that the state electronic
- 1396 verification system described in Subsection (1):
- 1397 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
- 1398 medical cannabis guardian card, provided that the card may not become active until:
- 1399 (i) the relevant recommending medical provider completes the associated medical
- 1400 cannabis recommendation; or
- 1401 (ii) the medical cannabis pharmacy completes the recording described in [~~Subsection~~
- 1402 ~~(2)(d)~~] Subsections (2)(d)(ii) and (iii);
- 1403 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
- 1404 cannabis guardian card in accordance with Section 26B-4-213;
- 1405 (c) allows a recommending medical provider, or an employee described in Subsection (3)
- 1406 acting on behalf of the recommending medical provider, to:
- 1407 (i) access dispensing and card status information regarding a patient:
- 1408 (A) with whom the recommending medical provider has a provider-patient
- 1409 relationship; and
- 1410 (B) for whom the recommending medical provider has recommended or is
- 1411 considering recommending a medical cannabis card;
- 1412 (ii) electronically recommend treatment with medical cannabis and optionally
- 1413 recommend dosing guidelines;
- 1414 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
- 1415 or medical cannabis guardian cardholder:
- 1416 (A) using telehealth services, for the recommending medical provider who
- 1417 originally recommended a medical cannabis treatment during a face-to-face
- 1418 visit with the patient; or
- 1419 (B) during a face-to-face visit with the patient, for a recommending medical
- 1420 provider who did not originally recommend the medical cannabis treatment
- 1421 during a face-to-face visit; and

- 1422 (iv) submit an initial application, renewal application, or application payment on  
1423 behalf of an individual applying for any of the following:
- 1424 (A) a medical cannabis patient card;
  - 1425 (B) a medical cannabis guardian card; or
  - 1426 (C) a medical cannabis caregiver card;
- 1427 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy  
1428 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1429 (i) access the electronic verification system to review the history within the system of  
1430 a patient with whom the provider or agent is interacting, limited to read-only  
1431 access for medical cannabis pharmacy agents unless the medical cannabis  
1432 pharmacy's pharmacist in charge authorizes add and edit access;
  - 1433 (ii) record a patient's recommendation from a recommending medical provider,  
1434 including any directions of use, dosing guidelines, or caregiver indications from  
1435 the recommending medical provider;
  - 1436 (iii) record a recommending medical provider's renewal of the provider's previous  
1437 recommendation; and
  - 1438 (iv) submit an initial application, renewal application, or application payment on  
1439 behalf of an individual applying for any of the following:
- 1440 (A) a medical cannabis patient card;
  - 1441 (B) a medical cannabis guardian card; or
  - 1442 (C) a medical cannabis caregiver card;
- 1443 (e) connects with:
- 1444 (i) an inventory control system that a medical cannabis pharmacy uses to track in real  
1445 time and archive purchases of any medical cannabis or a medical cannabis device,  
1446 including:
- 1447 (A) the time and date of each purchase;
  - 1448 (B) the quantity and type of medical cannabis or medical cannabis device  
1449 purchased;
  - 1450 (C) any cannabis production establishment, any medical cannabis pharmacy, or  
1451 any medical cannabis courier associated with the medical cannabis or medical  
1452 cannabis device; and
  - 1453 (D) the personally identifiable information of the medical cannabis cardholder  
1454 who made the purchase; and
- 1455 (ii) any commercially available inventory control system that a cannabis production

- 1456 establishment utilizes in accordance with Section 4-41a-103 to use data that the  
1457 Department of Agriculture and Food requires by rule, in accordance with Title  
1458 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory  
1459 tracking system that a licensee uses to track and confirm compliance;
- 1460 (f) provides access to:
- 1461 (i) the department to the extent necessary to carry out the department's functions and  
1462 responsibilities under this part;
- 1463 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
1464 functions and responsibilities of the Department of Agriculture and Food under  
1465 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and  
1466 (iii) the Division of Professional Licensing to the extent necessary to carry out the  
1467 functions and responsibilities related to the participation of the following in the  
1468 recommendation and dispensing of medical cannabis:
- 1469 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing  
1470 Act;
- 1471 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1472 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
1473 Nurse Practice Act;
- 1474 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1475 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1476 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1477 Assistant Act;
- 1478 (g) communicates dispensing information from a record that a medical cannabis  
1479 pharmacy submits to the state electronic verification system under Subsection  
1480 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1481 (h) provides access to state or local law enforcement only to verify the validity of an  
1482 individual's medical cannabis card for the administration of criminal justice and  
1483 through a database used by law enforcement; and
- 1484 (i) creates a record each time a person accesses the system that identifies the person who  
1485 accesses the system and the individual whose records the person accesses.
- 1486 (3)(a) An employee of a recommending medical provider may access the electronic  
1487 verification system for a purpose described in Subsection (2)(c) on behalf of the  
1488 recommending medical provider if:
- 1489 (i) the recommending medical provider has designated the employee as an individual

- 1490 authorized to access the electronic verification system on behalf of the  
1491 recommending medical provider;
- 1492 (ii) the recommending medical provider provides written notice to the department of  
1493 the employee's identity and the designation described in Subsection (3)(a)(i); and  
1494 (iii) the department grants to the employee access to the electronic verification  
1495 system.
- 1496 (b) An employee of a business that employs a recommending medical provider may  
1497 access the electronic verification system for a purpose described in Subsection (2)(c)  
1498 on behalf of the recommending medical provider if:
- 1499 (i) the recommending medical provider has designated the employee as an individual  
1500 authorized to access the electronic verification system on behalf of the  
1501 recommending medical provider;
- 1502 (ii) the recommending medical provider and the employing business jointly provide  
1503 written notice to the department of the employee's identity and the designation  
1504 described in Subsection (3)(b)(i); and  
1505 (iii) the department grants to the employee access to the electronic verification  
1506 system.
- 1507 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall  
1508 complete [~~at least one hour of~~] education regarding health information privacy laws  
1509 that is offered by the department or an accredited or approved education provider that  
1510 the department recognizes before the department may grant the employee access to  
1511 the electronic verification system.
- 1512 (4)(a) Subject to Subsection (4)(c), a medical cannabis pharmacy agent may access the  
1513 electronic verification system for a purpose described in Subsection (2)(d) if:
- 1514 (i) the pharmacist-in-charge has designated the agent as an individual authorized to  
1515 access the electronic verification system;
- 1516 (ii) the agent completes continuing education regarding health information privacy  
1517 laws that is offered by the department or an accredited or approved education  
1518 provider that the department recognizes;
- 1519 (iii) the agent has completed the training described in Subsection (4)(a)(ii) within the  
1520 previous two years; and
- 1521 (iv) the department grants to the agent access to the electronic verification system.
- 1522 (b) The pharmacist-in-charge shall ensure that each medical cannabis pharmacy agent  
1523 working in the medical cannabis pharmacy who has access to the state electronic

1524 verification system is in compliance with Subsection (4)(a).

1525 (c) A medical cannabis pharmacy agent may not access the electronic verification  
1526 system if the medical cannabis agent is not employed by a medical cannabis  
1527 pharmacy.

1528 ~~[(4)]~~ (5)(a) As used in this Subsection ~~[(4)]~~ (5), "prescribing provider" means:

1529 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1530 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1531 Practice Act;

1532 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1533 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1534 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1535 Assistant Act.

1536 (b) A prescribing provider may access information in the electronic verification system  
1537 regarding a patient the prescribing provider treats.

1538 ~~[(5)]~~ (6) The department may release limited data that the system collects for the purpose of:

1539 (a) conducting medical and other department approved research;

1540 (b) providing the report required by Section 26B-4-222; and

1541 (c) other official department purposes.

1542 ~~[(6)]~~ (7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1543 Administrative Rulemaking Act, to establish:

1544 (a) the limitations on access to the data in the state electronic verification system as  
1545 described in this section; and

1546 (b) standards and procedures to ensure accurate identification of an individual requesting  
1547 information or receiving information in this section.

1548 ~~[(7)]~~ (8) Any person who negligently or recklessly releases any information in the state  
1549 electronic verification system in violation of this section is guilty of a class C  
1550 misdemeanor.

1551 ~~[(8)]~~ (9) Any person who obtains or attempts to obtain information from the state electronic  
1552 verification system by misrepresentation or fraud is guilty of a third degree felony.

1553 ~~[(9)]~~ (10)(a) Except as provided in ~~[Subsections (9)(e) and]~~ Subsection (9)(e) and  
1554 Subsection (11), a person may not knowingly and intentionally use, release, publish,  
1555 or otherwise make available to any other person information obtained from the state  
1556 electronic verification system for any purpose other than a purpose specified in this  
1557 section.

- 1558 (b) Each separate violation of ~~[this]~~ Subsection ~~[(9)]~~ (10) is:
- 1559 (i) a third degree felony; and
- 1560 (ii) subject to a civil penalty not to exceed \$5,000.
- 1561 ~~[(e) A law enforcement officer who uses the database used by law enforcement to access~~
- 1562 ~~information in the electronic verification system for a reason that is not the~~
- 1563 ~~administration of criminal justice is guilty of a class B misdemeanor.]~~
- 1564 ~~[(d)]~~ (c) The department shall determine a civil violation of this Subsection ~~[(9)]~~ (10) in
- 1565 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1566 ~~[(e)]~~ (d) Civil penalties assessed under this Subsection ~~[(9)]~~ (10) shall be deposited into
- 1567 the General Fund.
- 1568 ~~[(f)]~~ (e) This Subsection ~~[(9)]~~ (10) does not prohibit a person who obtains information
- 1569 from the state electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1570 (i) including the information in the person's medical chart or file for access by a
- 1571 person authorized to review the medical chart or file;
- 1572 (ii) providing the information to a person in accordance with the requirements of the
- 1573 Health Insurance Portability and Accountability Act of 1996; or
- 1574 (iii) discussing or sharing that information about the patient with the patient.
- 1575 (11) A law enforcement officer who uses the database used by law enforcement to access
- 1576 information in the electronic verification system for a reason that is not the
- 1577 administration of criminal justice is guilty of a class B misdemeanor.
- 1578 Section 14. Section **26B-4-213** is amended to read:
- 1579 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**
- 1580 **Conditional medical cannabis card -- Application -- Fees -- Studies.**
- 1581 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
- 1582 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
- 1583 application in accordance with this section or Section 26B-4-214, the department shall~~[:]~~
- 1584 issue the appropriate card to the individual for which the individual applied.
- 1585 ~~[(i) issue a medical cannabis patient card to an individual described in Subsection~~
- 1586 ~~(2)(a);]~~
- 1587 ~~[(ii) issue a medical cannabis guardian card to an individual described in Subsection~~
- 1588 ~~(2)(b);]~~
- 1589 ~~[(iii) issue a provisional patient card to a minor described in Subsection (2)(e); and]~~
- 1590 ~~[(iv) issue a medical cannabis caregiver card to an individual described in Subsection~~
- 1591 ~~26B-4-214(4).]~~

- 1592 (b)(i) Upon the entry of a recommending medical provider's medical cannabis  
1593 recommendation for a patient in the state electronic verification system, either by  
1594 the provider or the provider's employee or by a medical cannabis pharmacy  
1595 medical provider or medical cannabis pharmacy in accordance with Subsection  
1596 4-41a-1101(10)(a), the department shall issue to the patient an electronic  
1597 conditional medical cannabis card, in accordance with this Subsection (1)(b).
- 1598 (ii) A conditional medical cannabis card is valid for the lesser of:  
1599 (A) 60 days; or  
1600 (B) the day on which the department completes the department's review and issues  
1601 a medical cannabis card under Subsection (1)(a), denies the patient's medical  
1602 cannabis card application, or revokes the conditional medical cannabis card  
1603 under Subsection (8).
- 1604 (iii) The department may issue a conditional medical cannabis card to an individual  
1605 applying for a medical cannabis patient card for which approval of the  
1606 Compassionate Use Board is not required.
- 1607 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
1608 obligations under law applicable to a holder of the medical cannabis card for  
1609 which the individual applies and for which the department issues the conditional  
1610 medical cannabis card.
- 1611 (2)(a) An individual is eligible for a medical cannabis patient card if:  
1612 (i)(A) the individual is at least 21 years old; or  
1613 (B) the individual is 18, 19, or 20 years old, the individual petitions the  
1614 Compassionate Use Board under Section 26B-1-421, and the Compassionate  
1615 Use Board recommends department approval of the petition;  
1616 (ii) the individual is a Utah resident;  
1617 (iii) the individual's recommending medical provider recommends treatment with  
1618 medical cannabis in accordance with Subsection (4);  
1619 (iv) the individual signs an acknowledgment stating that the individual received the  
1620 information described in Subsection (9); and  
1621 (v) the individual pays to the department a fee in an amount that, subject to  
1622 Subsection 26B-1-310(5), the department sets in accordance with Section  
1623 63J-1-504.
- 1624 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:  
1625 (A) is at least 18 years old;

- 1626 (B) is a Utah resident;
- 1627 (C)~~(I)~~ is the parent or legal guardian of a minor for whom the minor's
- 1628 recommending medical provider recommends a medical cannabis treatment,
- 1629 the individual petitions the Compassionate Use Board under Section
- 1630 26B-1-421, and the Compassionate Use Board recommends department
- 1631 approval of the petition; or
- 1632 (II) is the legal guardian of an incapacitated adult and provides acceptable
- 1633 proof of guardianship to the department;
- 1634 (D) ~~[the individual]~~ signs an acknowledgment stating that the individual received
- 1635 the information described in Subsection (9); and
- 1636 (E) ~~[pays to the department a fee in an amount that, subject to Subsection~~
- 1637 ~~26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus~~
- 1638 ~~the cost of the criminal background check described in Section 26B-4-215.]~~
- 1639 signs an attestation under penalty of perjury that the individual is eligible for a
- 1640 medical cannabis guardian card under Section 26B-4-246.
- 1641 (ii) The department shall notify the Department of Public Safety of each individual
- 1642 that the department registers for a medical cannabis guardian card.
- 1643 (c)(i) A minor is eligible for a provisional patient card if:
- 1644 (A) the minor has a qualifying condition;
- 1645 (B) the minor's recommending medical provider recommends a medical cannabis
- 1646 treatment to address the minor's qualifying condition;
- 1647 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
- 1648 Board under Section 26B-1-421, and the Compassionate Use Board
- 1649 recommends department approval of the petition; and
- 1650 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
- 1651 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 1652 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 1653 (ii) The department shall automatically issue a provisional patient card to the minor
- 1654 described in Subsection (2)(c)(i) at the same time the department issues a medical
- 1655 cannabis guardian card to the minor's parent or legal guardian.
- 1656 (d) If the parent or legal guardian ~~[of a minor described in Subsections (2)(e)(i)(A)~~
- 1657 ~~through (C)]~~ does not qualify for a medical cannabis guardian card under Subsection
- 1658 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
- 1659 with Subsection 26B-4-214(1)(c) ~~[to ensure that the minor has adequate and safe~~

- 1660 ~~access to the recommended medical cannabis treatment].~~
- 1661 (e) The department shall issue a provisional patient card to an incapacitated adult if:
- 1662 (i) the incapacitated adult's legal guardian qualifies for a medical cannabis guardian
- 1663 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 1664 who is eligible for a medical cannabis caregiver card under Section 26B-4-214;
- 1665 and
- 1666 (ii) the individual's recommending medical provider recommends treatment with
- 1667 medical cannabis in accordance with Subsection (4).
- 1668 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
- 1669 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- 1670 (i) through an electronic application connected to the state electronic verification
- 1671 system;
- 1672 (ii) with the recommending medical provider; and
- 1673 (iii) with information including:
- 1674 (A) the applicant's name, gender, age, and address;
- 1675 (B) the number of the applicant's government issued photo identification;
- 1676 (C) for a medical cannabis guardian card, the name, gender, and age of the [minor]
- 1677 individual receiving a medical cannabis treatment under the cardholder's
- 1678 medical cannabis guardian card; and
- 1679 (D) for a provisional patient card, the name of the [minor's-]parent or legal
- 1680 guardian who holds the associated medical cannabis guardian card.
- 1681 (b)(i) If a recommending medical provider determines that, because of age, illness, or
- 1682 disability, a medical cannabis patient cardholder requires assistance in
- 1683 administering the medical cannabis treatment that the recommending medical
- 1684 provider recommends, the recommending medical provider may indicate the
- 1685 cardholder's need in the state electronic verification system, either directly or
- 1686 through the order described in Subsections 26B-4-204(1)(b) and (c).
- 1687 (ii) If a recommending medical provider makes the indication described in
- 1688 Subsection (3)(b)(i):
- 1689 (A) the department shall add a label to the relevant medical cannabis patient card
- 1690 indicating the cardholder's need for assistance;
- 1691 (B) any adult who is 18 years old or older and who is physically present with the
- 1692 cardholder at the time the cardholder needs to use the recommended medical
- 1693 cannabis treatment may handle the medical cannabis treatment and any

1694 associated medical cannabis device as needed to assist the cardholder in  
1695 administering the recommended medical cannabis treatment; and  
1696 (C) an individual of any age who is physically present with the cardholder in the  
1697 event of an emergency medical condition, as that term is defined in Section  
1698 31A-1-301, may handle the medical cannabis treatment and any associated  
1699 medical cannabis device as needed to assist the cardholder in administering the  
1700 recommended medical cannabis treatment.

1701 (iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may  
1702 not:

1703 (A) ingest or inhale medical cannabis;

1704 (B) possess, transport, or handle medical cannabis or a medical cannabis device  
1705 outside of the immediate area where the cardholder is present or with an intent  
1706 other than to provide assistance to the cardholder; or

1707 (C) possess, transport, or handle medical cannabis or a medical cannabis device  
1708 when the cardholder is not in the process of being dosed with medical cannabis.

1709 (4)(a) Except as provided in Subsection (4)(b), a recommending medical provider may  
1710 not recommend medical cannabis to a patient through a virtual visit.

1711 (b) A recommending medical provider may recommend medical cannabis to a patient  
1712 through a virtual visit if the patient:

1713 (i) is on hospice or has a terminal illness according to the patient's medical provider;

1714 (ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a  
1715 nursing care facility, as defined in Section 26B-2-201;

1716 (iii) has previously received a medical cannabis recommendation from the  
1717 recommending medical provider through a face-to-face visit; or

1718 (iv) is a current patient of the recommending medical provider and has met with the  
1719 recommending medical provider face-to-face previously.

1720 (c) A recommending medical provider shall:

1721 (i) before recommending or renewing a recommendation for medical cannabis [~~in a~~  
1722 ~~medicinal dosage form or a cannabis product in a medicinal dosage form~~]:

1723 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal  
1724 guardian's government issued photo identification described in Subsection  
1725 (3)(a);

1726 (B) review any record related to the patient and, for a minor patient, the patient's  
1727 parent or legal guardian accessible to the recommending medical provider

- 1728 including in the controlled substance database created in Section 58-37f-201;  
1729 and
- 1730 (C) consider the recommendation in light of the patient's qualifying condition,  
1731 history of substance use or opioid use disorder, and history of medical cannabis  
1732 and controlled substance use during a visit with the patient; and
- 1733 (ii) state in the recommending medical provider's recommendation that the patient:  
1734 (A) suffers from a qualifying condition, including the type of qualifying condition;  
1735 and  
1736 (B) may benefit from treatment with [~~cannabis in a medicinal dosage form or a~~  
1737 ~~cannabis product in a medicinal dosage form~~] medical cannabis.
- 1738 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the  
1739 department issues under this section is valid for the lesser of:
- 1740 (i) an amount of time that the recommending medical provider determines; or  
1741 (ii) one year from the day the card is issued.
- 1742 (b)(i) A medical cannabis card that the department issues in relation to a terminal  
1743 illness described in Section 26B-4-203 expires after one year.  
1744 (ii) The recommending medical provider may revoke a recommendation that the  
1745 provider made in relation to a terminal illness described in Section 26B-4-203 if  
1746 the medical cannabis cardholder no longer has the terminal illness.
- 1747 (c) A medical cannabis card that the department issues in relation to acute pain as  
1748 described in Section 26B-4-203 expires 30 days after the day on which the  
1749 department first issues a conditional or full medical cannabis card.
- 1750 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable  
1751 if:
- 1752 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)  
1753 or (b); or  
1754 (ii) the cardholder received the medical cannabis card through the recommendation of  
1755 the Compassionate Use Board under Section 26B-1-421.
- 1756 (b) The recommending medical provider who made the underlying recommendation for  
1757 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's  
1758 card through phone or video conference with the cardholder, at the recommending  
1759 medical provider's discretion.
- 1760 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
1761 shall pay to the department a renewal fee in an amount that:

- 1762 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with  
1763 Section 63J-1-504; and
- 1764 (ii) may not exceed the cost of the relatively lower administrative burden of renewal  
1765 in comparison to the original application process.
- 1766 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
1767 patient card renews automatically at the time the minor's parent or legal guardian  
1768 renews the parent or legal guardian's associated medical cannabis guardian card.
- 1769 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis  
1770 card with the patient's name.
- 1771 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may  
1772 purchase, in accordance with this part and the recommendation underlying the  
1773 card, [~~eannabis in a medicinal dosage form, a cannabis product in a medicinal  
1774 dosage form,~~] medical cannabis or a medical cannabis device.
- 1775 (ii) A cardholder under this section may possess or transport, in accordance with this  
1776 part and the recommendation underlying the card, [~~eannabis in a medicinal dosage  
1777 form, a cannabis product in a medicinal dosage form,~~] medical cannabis or a  
1778 medical cannabis device.
- 1779 (iii) To address the qualifying condition underlying the medical cannabis treatment  
1780 recommendation:
- 1781 (A) a medical cannabis patient cardholder or a provisional patient cardholder may  
1782 use medical cannabis or a medical cannabis device; and
- 1783 (B) a medical cannabis guardian cardholder may assist the associated provisional  
1784 patient cardholder with the use of medical cannabis or a medical cannabis  
1785 device.
- 1786 (8)(a) The department may revoke a medical cannabis card that the department issues  
1787 under this section if:
- 1788 (i) the recommending medical provider withdraws the medical provider's  
1789 recommendation for medical cannabis; or
- 1790 (ii) the cardholder:
- 1791 (A) violates this part; or
- 1792 (B) is convicted under state or federal law of, after March 17, 2021, a drug  
1793 distribution offense.
- 1794 (b) The department may not refuse to issue a medical cannabis card to a patient solely  
1795 based on a prior revocation under Subsection (8)(a)(i).

- 1796 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah  
1797 Administrative Rulemaking Act, a process to provide information regarding the  
1798 following to an individual receiving a medical cannabis card:
- 1799 (a) risks associated with medical cannabis treatment;
  - 1800 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
1801 medical cannabis treatment is an effective treatment or cure for that condition, as  
1802 described in Subsection 26B-4-203(1); and
  - 1803 (c) other relevant warnings and safety information that the department determines.
- 1804 (10) The department may establish procedures by rule, in accordance with Title 63G,  
1805 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and  
1806 issuance provisions of this section.
- 1807 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
1808 Utah Administrative Rulemaking Act, a process to allow an individual from another  
1809 state to register with the department in order to purchase medical cannabis or a  
1810 medical cannabis device from a medical cannabis pharmacy while the individual is  
1811 visiting the state.
- 1812 (b) The department may only provide the registration process described in Subsection  
1813 (11)(a):
    - 1814 (i) to a nonresident patient; and
    - 1815 (ii) for no more than two visitation periods per calendar year of up to 21 calendar  
1816 days per visitation period.
- 1817 (12)(a) A person may submit to the department a request to conduct a research study  
1818 using medical cannabis cardholder data that the state electronic verification system  
1819 contains.
- 1820 (b) The department shall review a request described in Subsection (12)(a) to determine  
1821 whether an institutional review board, as that term is defined in Section 26B-4-201,  
1822 could approve the research study.
  - 1823 (c) At the time an individual applies for a medical cannabis card, the department shall  
1824 notify the individual:
    - 1825 (i) of how the individual's information will be used as a cardholder;
    - 1826 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
1827 consent under Subsection (12)(d), the individual consents to the use of the  
1828 individual's information for external research; and
    - 1829 (iii) that the individual may withdraw consent for the use of the individual's

- 1830 information for external research at any time, including at the time of application.
- 1831 (d) An applicant may, through the medical cannabis card application, and a medical  
 1832 cannabis cardholder may, through the state central patient portal, withdraw the  
 1833 applicant's or cardholder's consent to participate in external research at any time.
- 1834 (e) The department may release, for the purposes of a study described in this Subsection  
 1835 (12), information about a cardholder under this section who consents to participate  
 1836 under Subsection (12)(c).
- 1837 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of  
 1838 consent:
- 1839 (i) applies to external research that is initiated after the withdrawal of consent; and  
 1840 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 1841 (g) The department may establish standards for a medical research study's validity, by  
 1842 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 1843 Act.

1844 (13) The department shall record the issuance or revocation of a medical cannabis card  
 1845 under this section in the controlled substance database.

1846 Section 15. Section **26B-4-214** is amended to read:

1847 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**

1848 **Revocation.**

- 1849 (1)(a) A [~~cardholder described in Section 26B-4-213~~] medical cannabis patient  
 1850 cardholder or medical cannabis guardian cardholder may designate up to two  
 1851 individuals, or an individual and a facility in accordance with Subsection (1)(b), to  
 1852 serve as a designated caregiver for the cardholder.
- 1853 (b)(i) A [~~cardholder described in Section 26B-4-213~~] medical cannabis patient  
 1854 cardholder or medical cannabis guardian cardholder may designate one of the  
 1855 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 1856 (A) for a patient or resident, an assisted living facility, as that term is defined in  
 1857 Section 26B-2-201;
- 1858 (B) for a patient or resident, a nursing care facility, as that term is defined in  
 1859 Section 26B-2-201; or
- 1860 (C) for a patient, a general acute hospital, as that term is defined in Section  
 1861 26B-2-201.
- 1862 (ii) A facility may:
- 1863 (A) assign one or more employees to assist patients with medical cannabis

- 1864 treatment under the caregiver designation described in this Subsection (1)(b);  
1865 and
- 1866 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a  
1867 medical cannabis courier on behalf of the medical cannabis cardholder within  
1868 the facility who designated the facility as a caregiver.
- 1869 (iii) The department shall make rules to regulate the practice of facilities and facility  
1870 employees serving as designated caregivers under this Subsection (1)(b).
- 1871 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation  
1872 with the minor and the minor's recommending medical provider, may designate up to  
1873 two individuals to serve as [a] designated [~~caregiver~~] caregivers for the minor, if the  
1874 department determines that the parent or legal guardian is not eligible for a medical  
1875 cannabis guardian card under Section 26B-4-213.
- 1876 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient  
1877 with a terminal illness described in Section 26B-4-203, the department shall issue  
1878 to the designated caregiver an electronic conditional medical cannabis caregiver  
1879 card, in accordance with this Subsection (1)(d).
- 1880 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:  
1881 (A) 60 days; or  
1882 (B) the day on which the department completes the department's review and issues  
1883 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's  
1884 medical cannabis caregiver card application, or revokes the conditional  
1885 medical cannabis caregiver card under Section 26B-4-246.
- 1886 (iii) The department may issue a conditional medical cannabis card to an individual  
1887 applying for a medical cannabis patient card for which approval of the  
1888 Compassionate Use Board is not required.
- 1889 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
1890 obligations under law applicable to a holder of the medical cannabis card for  
1891 which the individual applies and for which the department issues the conditional  
1892 medical cannabis card.
- 1893 (2) An individual that the department registers as a designated caregiver under this section  
1894 and a facility described in Subsection (1)(b):
- 1895 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver  
1896 card;
- 1897 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in

1898 the use of medical cannabis or a medical cannabis device on behalf of the designating  
 1899 medical cannabis cardholder;

1900 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
 1901 or for a service that the designated caregiver provides in relation to the role as a  
 1902 designated caregiver; and

1903 (d) may accept reimbursement from the designating medical cannabis cardholder for  
 1904 direct costs the designated caregiver incurs for assisting with the designating  
 1905 cardholder's medicinal use of cannabis.

1906 (3)(a) The department shall:

1907 (i) within 15 days after the day on which an individual submits an application in  
 1908 compliance with this section, issue a medical cannabis card to the applicant if the  
 1909 applicant:

1910 (A) is designated as a caregiver under Subsection (1);

1911 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

1912 (C) complies with this section; and

1913 (ii) notify the Department of Public Safety of each individual that the department  
 1914 registers as a designated caregiver.

1915 ~~[(b) The department shall ensure that a medical cannabis caregiver card contains the~~  
 1916 ~~information described in Subsections (5)(b) and (3)(c)(i).]~~

1917 ~~[(e)]~~ (b) If a ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient  
 1918 cardholder or medical cannabis guardian cardholder designates an individual as a  
 1919 caregiver who already holds a medical cannabis caregiver card, the individual with  
 1920 the medical cannabis caregiver card:

1921 (i) shall report to the department the information required of applicants under  
 1922 Subsection (5)(b) regarding the new designation;

1923 (ii) if the individual makes the report described in Subsection ~~[(3)(e)(i)]~~ (3)(b)(i), is  
 1924 not required to file an application for another medical cannabis caregiver card; and

1925 (iii) may receive an additional medical cannabis caregiver card in relation to each  
 1926 additional medical cannabis patient who designates the caregiver~~[-and]~~ .

1927 ~~[(iv) is not subject to an additional background check.]~~

1928 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1929 (a) is at least 21 years old;

1930 (b) is a Utah resident; and

1931 (c) ~~[pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),~~

- 1932 the department sets in accordance with Section 63J-1-504, plus the cost of the  
 1933 criminal background check described in Section 26B-4-215; and] signs an attestation  
 1934 under penalty of perjury that the individual is eligible for a medical cannabis  
 1935 caregiver card under Section 26B-4-246.
- 1936 (d) signs an acknowledgment stating that the applicant received the information  
 1937 described in Subsection 26B-4-213(9).
- 1938 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1939 (a) submit an application for a medical cannabis caregiver card to the department  
 1940 through an electronic application connected to the state electronic verification  
 1941 system; and
- 1942 (b) submit the following information in the application described in Subsection (5)(a):
- 1943 (i) the applicant's name, gender, age, and address;
- 1944 (ii) the name, gender, age, and address of the [~~cardholder described in Section~~  
 1945 ~~26B-4-213~~] medical cannabis patient cardholder or medical cannabis guardian  
 1946 cardholder who designated the applicant;
- 1947 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,  
 1948 gender, and age of the minor receiving a medical cannabis treatment in relation to  
 1949 the medical cannabis guardian cardholder; and
- 1950 (iv) any additional information that the department requests to assist in matching the  
 1951 application with the designating medical cannabis patient.
- 1952 (6) [~~Except as provided in Subsection (6)(b), a-~~] A medical cannabis caregiver card that the  
 1953 department issues under this section is valid for the lesser of:
- 1954 (a) an amount of time that the [~~cardholder described in Section 26B-4-213~~] medical  
 1955 cannabis patient cardholder or medical cannabis guardian cardholder who designated  
 1956 the caregiver determines; or
- 1957 (b) the amount of time remaining before the card of the [~~cardholder described in Section~~  
 1958 ~~26B-4-213~~] medical cannabis patient cardholder or medical cannabis guardian  
 1959 cardholder expires.
- 1960 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated  
 1961 caregiver's medical cannabis caregiver card renews automatically at the time the [  
 1962 ~~cardholder described in Section 26B-4-213~~] medical cannabis patient cardholder or  
 1963 medical cannabis guardian cardholder who designated the caregiver:
- 1964 (i) renews the cardholder's card; and
- 1965 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

- 1966 (b) The department shall provide a method in the card renewal process to allow a [  
 1967 ~~cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or  
 1968 medical cannabis guardian cardholder who has designated a caregiver to:  
 1969 (i) signify that the cardholder renews the caregiver's designation;  
 1970 (ii) remove a caregiver's designation; or  
 1971 (iii) designate a new caregiver.

1972 (8) The department shall record the issuance or revocation of a medical cannabis card under  
 1973 this section in the controlled substance database.

1974 Section 16. Section **26B-4-248** is enacted to read:

1975 **26B-4-248 . Funds for patient vouchers.**

- 1976 (1) The department shall contract with a nonprofit entity that provides assistance to medical  
 1977 cannabis cardholders for purchasing medical cannabis or a medical cannabis device.  
 1978 (2) Subject to available funds, the contracted nonprofit entity may provide monthly \$150  
 1979 vouchers to a medical cannabis pharmacy for purchasing products in accordance with  
 1980 this section.  
 1981 (3) A medical cannabis patient is eligible for a voucher if the individual is:  
 1982 (a) an active medical cannabis cardholder patient; and  
 1983 (b) enrolled in Medicaid or Medicare.  
 1984 (4) The department may make rules to effectuate the program described in this section in  
 1985 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.  
 1986 (5) A contracted nonprofit entity shall provide the department an accounting each quarter of:  
 1987 (a) how money was used; and  
 1988 (b) other metrics determined relevant by the department.  
 1989 (6) The contracted nonprofit entity shall use all money received from the department under  
 1990 this section for vouchers described in this section.

1991 Section 17. Section **63I-2-236** is amended to read:

1992 **63I-2-236 . Repeal dates: Title 36.**

- 1993 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed  
 1994 July 1, [2026] 2027.  
 1995 (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed  
 1996 November 30, 2027.

1997 Section 18. **Repealer.**

1998 This bill repeals:

1999 Section **26B-4-215, Designated caregiver -- Guardian -- Criminal background check.**

2000            Section 19. **Effective Date.**  
2001            This bill takes effect on May 6, 2026.