

SB0121S01 compared with SB0121

~~{Omitted text}~~ shows text that was in SB0121 but was omitted in SB0121S01

inserted text shows text that was not in SB0121 but was inserted into SB0121S01

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1 **Medical Cannabis Program Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Evan J. Vickers
 House Sponsor:

2

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 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;
- 14 ▸ enacts provisions related to the safe storage of medical cannabis for medical cannabis deliveries;
- 17 ▸ amends provisions related to when a recommending provider employee may access
information;
- 19 ▸ amends provisions related to the processes of obtaining certain medical cannabis cards;

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- 16 ▶ amends provisions related to when a medical cannabis pharmacy agent may access the electronic
verification system;
- 18 ▶ amends provisions related to acceptable forms of identification;
- 19 ▶ amends provisions related to the revocation of certain medical cannabis agent cards;
- 20 ▶ allows a medical cannabis guardian card to be issued to the legal guardian of an adult who is
incapacitated;
- 26 ▶ **creates a voucher program for patients to obtain medical cannabis or a medical cannabis
device;**
- 22 ▶ extends the repeal of the medical cannabis governance structure working group; and
- 23 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

31 None

Other Special Clauses:

33 None

Utah Code Sections Affected:

AMENDS:

36 **4-41a-201** , as last amended by Laws of Utah 2025, Chapter 414

37 **4-41a-501** , as last amended by Laws of Utah 2025, Chapter 114

38 **4-41a-602** , as last amended by Laws of Utah 2025, Chapter 392

39 **4-41a-1001** , as last amended by Laws of Utah 2025, Chapters 114, 277 and 414

40 **4-41a-1101** , as last amended by Laws of Utah 2025, Chapter 392

41 **4-41a-1106** , as last amended by Laws of Utah 2025, Chapter 414

42 **4-41a-1201** , as last amended by Laws of Utah 2025, Chapter 114

43 **4-41a-1204** , as last amended by Laws of Utah 2025, Chapter 414

44 **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

47 **26B-1-310 , as last amended by Laws of Utah 2025, First Special Session, Chapter 9**

48 **26B-1-421** , as last amended by Laws of Utah 2025, Chapter 494

49 **26B-4-201** , as last amended by Laws of Utah 2025, Chapter 392

50 **26B-4-202** , as last amended by Laws of Utah 2025, Chapter 392

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51 **26B-4-213** , as last amended by Laws of Utah 2025, Chapter 392

52 **26B-4-214** , as last amended by Laws of Utah 2025, Chapter 392

53 **63I-2-236** , as last amended by Laws of Utah 2025, Chapters 277, 414

54 ENACTS:

55 **26B-4-248 , Utah Code Annotated 1953**

56 REPEALS:

57 **26B-4-215 , as renumbered and amended by Laws of Utah 2023, Chapter 307**

58
59 *Be it enacted by the Legislature of the state of Utah:*

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

61 **4-41a-201. Cannabis production establishment -- License.**

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

53 (2)

(a)

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

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

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

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

61 (C) timely and objectively evaluate applications;

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

63 (E) select applicants to receive a license.

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

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

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- (i) subject to Subsection (2)(c), a proposed name and each address, located in a zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production establishment;
- 71 (ii) the name and address of any individual who has:
 - 72 (A) for a publicly traded company, a financial or voting interest of 10% or greater in the proposed cannabis production establishment;
 - 74 (B) for a privately held company, a financial or voting interest in the proposed cannabis production establishment; or
 - 76 (C) the power to direct or cause the management or control of a proposed cannabis production establishment;
- 78 (iii) an operating plan that:
 - 79 (A) complies with Section 4-41a-204;
 - 80 (B) includes operating procedures that comply with this chapter and any law the municipality or county in which the person is located adopts that is consistent with Section 4-41a-406; and
 - 83 (C) the department or licensing board approves;
- 84 (iv) a statement that the applicant will obtain and maintain a liquid cash account with a financial institution or a performance bond that a surety authorized to transact surety business in the state issues in an amount of at least:
 - 87 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies; or
 - 89 (B) \$50,000 for each cannabis processing facility or independent cannabis testing laboratory for which the applicant applies;
- 91 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 93 (vi) a description of any investigation or adverse action taken by any licensing jurisdiction, government agency, law enforcement agency, or court in any state for any violation or detrimental conduct in relation to any of the applicant's cannabis-related operations or businesses.
- 97 (c)
 - (i) A person may not locate a cannabis production establishment:
 - 98 (A) within 1,000 feet of a community location; or
 - 99 (B) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.

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- 101 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured from the nearest
entrance to the cannabis production establishment by following the shortest route of ordinary
pedestrian travel to the property boundary of the community location or residential area.
- 105 (iii) The licensing board may grant a waiver to reduce the proximity requirements in Subsection (2)(c)
(i) by up to 20% if the licensing board determines that it is not reasonably feasible for the applicant
to site the proposed cannabis production establishment without the waiver.
- 109 (iv) An applicant for a license under this section shall provide evidence of compliance with the
proximity requirements described in Subsection (2)(c)(i).
- 111 (3) If the licensing board approves an application for a license under this section and Section
4-41a-201.1:
- 113 (a) the applicant shall pay the department an initial license fee in an amount that, subject to Subsection
4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 116 (b) the department shall notify the Department of Public Safety of the license approval and the names of
each individual described in Subsection (2)(b)(ii).
- 118 (4)
- (a) Except as provided in this Subsection (4), a cannabis production establishment shall obtain a
separate license for each type of cannabis production establishment and each location of a cannabis
production establishment.
- 121 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis processing
facility license to a person to operate at the same physical location or at separate physical locations.
- 124 (c) A cannabis cultivation facility may operate at two addresses under a single license.
- 125 (d) A tier one cannabis processing facility may operate at a second address under the same tier one
license if:
- 127 (i) the second address is co-located at a cannabis cultivation facility operated by the same licensee; and
- 129 (ii) the licensee pays a fee of \$70,000 for the second location.
- 130 (e) An applicant for a tier two cannabis processing facility license that has a cannabis cultivation facility
license and intends to process cannabis at the cannabis cultivation facility shall pay a fee of \$25,000
for the tier two cannabis processing facility license.
- 133 (5) If the licensing board receives more than one application for a cannabis production establishment
within the same city or town, the licensing board shall consult with the local land use authority
before approving any of the applications pertaining to that city or town.

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- 137 (6) The licensing board may not issue a license to operate an independent cannabis testing laboratory to
a person who:
- 139 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing
facility, or a cannabis cultivation facility;
- 141 (b) has an owner, officer, director, or employee whose family member holds a license or has an
ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis
cultivation facility; or
- 144 (c) proposes to operate the independent cannabis testing laboratory at the same physical location as a
medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility.
- 147 (7) The licensing board may not issue a license to operate a cannabis production establishment to an
applicant if any individual described in Subsection (2)(b)(ii):
- 149 (a) has been convicted under state or federal law of:
- 150 (i) a felony in the preceding 10 years; or
- 151 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 152 (b) is younger than 21 years old; or
- 153 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 154 (8)
- (a) If an applicant for a cannabis production establishment license under this section holds a license
under [Title 4, ~~{1}~~] Chapter 41, Hemp and Cannabinoid Act, the licensing board may not give
preference to the applicant based on the applicant's status as a holder of the license.
- 158 (b) If an applicant for a license to operate a cannabis cultivation facility under this section holds a
license to operate a medical cannabis pharmacy under this title, the licensing board may give
consideration to the applicant based on the applicant's status as a holder of a medical cannabis
pharmacy license if:
- 162 (i) the applicant demonstrates that a decrease in costs to patients is more likely to result from the
applicant's vertical integration than from a more competitive marketplace; and
- 165 (ii) the licensing board finds multiple other factors, in addition to the existing license, that support
granting the new license.
- 167 (9) The licensing board may revoke a license under this part:
- 168 (a) if the cannabis production establishment does not begin cannabis production operations within one
year after the day on which the licensing board issues the initial license;

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- 171 (b) after the third of the same violation of this chapter in any of the licensee's licensed cannabis
production establishments or medical cannabis pharmacies;
- 173 (c) if any individual described in Subsection (2)(b) is convicted, while the license is active, under state
or federal law of:
- 175 (i) a felony; or
- 176 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 177 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at the time of
application, or fails to supplement the information described in Subsection (2)(b)(vi) with any
investigation or adverse action that occurs after the submission of the application within 14 calendar
days after the licensee receives notice of the investigation or adverse action;
- 182 (e) if the cannabis production establishment demonstrates a willful or reckless disregard for the
requirements of this chapter or the rules the department makes in accordance with this chapter;
- 185 (f) if, after a change of ownership described in Subsection (15)(b), the board determines that the
cannabis production establishment no longer meets the minimum standards for licensure and
operation of the cannabis production establishment described in this chapter;
- 189 (g) for an independent cannabis testing laboratory, if the independent cannabis testing laboratory fails to
substantially meet the performance standards described in Subsection (14)(b); or
- 192 (h) if, following an investigation conducted ~~pursuant to~~ under Subsection 4-41a-201.1(11), the board
finds that the licensee has participated in an anticompetitive business practice.
- 194 (10)
- (a) A person who receives a cannabis production establishment license under this chapter, if the
municipality or county where the licensed cannabis production establishment will be located
requires a local land use permit, shall submit to the licensing board a copy of the licensee's approved
application for the land use permit within 120 days after the day on which the licensing board issues
the license.
- 199 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved land use permit
application in accordance with Subsection (10)(a), the licensing board may revoke the licensee's
license.
- 202 (11) The department shall deposit the proceeds of a fee that the department imposes under this section
into the Qualified Production Enterprise Fund.
- 204 (12) The department shall begin accepting applications under this part on or before January 1, 2020.

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- 206 (13)
- (a) The department's authority, and consequently the licensing board's authority, to issue a license under this section is plenary and is not subject to review.
- 208 (b) Notwithstanding Subsection [~~(2)(a)(ii)(A)~~] (2)(a)(i), the decision of the department to award a license to an applicant is not subject to:
- 210 (i) Title 63G, Chapter 6a, Part 16, Protests; or
- 211 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 212 (14)
- (a) Notwithstanding this section, the department:
- 213 (i) may operate or partner with a research university to operate an independent cannabis testing laboratory;
- 215 (ii) if the department operates or partners with a research university to operate an independent cannabis testing laboratory, may not cease operating or partnering with a research university to operate the independent cannabis testing laboratory unless:
- 219 (A) the department issues at least two licenses to independent cannabis testing laboratories; and
- 221 (B) the department has ensured that the licensed independent cannabis testing laboratories have sufficient capacity to provide the testing necessary to support the state's medical cannabis market; and
- 224 (iii) after ceasing department or research university operations under Subsection (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:
- 227 (A) fewer than two licensed independent cannabis testing laboratories are operating; or
- 229 (B) the licensed independent cannabis testing laboratories become, in the department's determination, unable to fully meet the market demand for testing.
- 231 (b)
- (i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish performance standards for the operation of an independent cannabis testing laboratory, including deadlines for testing completion.
- 235 (ii) A license that the department issues to an independent cannabis testing laboratory is contingent upon substantial satisfaction of the performance standards described in Subsection (14)(b)(i), as determined by the board.
- 238 (15)

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- (a) A cannabis production establishment license is not transferrable or assignable.
- (b) If the ownership of a cannabis production establishment changes by 50% or more:
- (i) the cannabis production establishment shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);
- (ii) within [30] 60 days of the submission of the application, the board shall:
- (A) conduct the application review described in Section 4-41a-201.1; and
- (B) award a license to the cannabis production establishment for the remainder of the term of the cannabis production establishment's license before the ownership change if the cannabis production establishment meets the minimum standards for licensure and operation of the cannabis production establishment described in this chapter; and
- (iii) if the board approves the license application, notwithstanding Subsection (3), the cannabis production establishment shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the application review.
- Section 2. Section **4-41a-501** is amended to read:
- 4-41a-501. Cannabis cultivation facility -- Operating requirements.**
- (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis cultivation facility is not visible from the ground level of the cannabis cultivation facility perimeter.
- (2) A cannabis cultivation facility shall use a unique identifier that is connected to the facility's inventory control system to identify:
- (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each cannabis plant;
- (b) each unique harvest of cannabis plants;
- (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a cannabis processing facility, or an independent cannabis testing laboratory; and
- (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation facility disposes.
- (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or cannabis plant product before transferring the cannabis biomass from the facility.
- (4) A cannabis cultivation facility shall either:
- (a) ensure that a cannabis processing facility chemically or physically processes cannabis cultivation byproduct to produce a cannabis concentrate for incorporation into cannabis derivative products; or
- (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.

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- 274 (5)
- (a) A cannabis cultivation facility may~~[utilize radiation-based methods and equipment]~~ , for quality assurance or remediation purposes, use methods and equipment as approved by ~~the department~~ through rule{ } the department through rule.
- 277 (b) The department shall allow the use of radiation-based methods and equipment in rules created under Subsection (5)(a).
- 279 (6) The department shall make rules establishing:
- 280 (a) the records a cannabis cultivation facility ~~[must]~~ shall keep regarding each batch, amount of product treated, and the methods used; and
- 282 (b) disclosure requirements to a cannabis processor receiving the material subject to the 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.**
- 286 (1) For any cannabis product that a cannabis processing facility processes or produces and for any raw cannabis that the facility packages, the facility shall:
- 288 (a) label the cannabis or cannabis product with a label that:
- 289 (i) clearly and unambiguously states that the cannabis product or package contains cannabis;
- 291 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol, and any known cannabinoid that is greater than 1% of the total cannabinoids contained in the cannabis or cannabis product as determined under Subsection 4-41a-701(4);
- 295 (iii) has a unique identification number that:
- 296 (A) is connected to the inventory control system; and
- 297 (B) identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;
- 299 (iv) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;
- 301 (v) does not display an image, word, or phrase that the facility knows or should know appeals to children; and
- 303 (vi) discloses each active or potentially active ingredient, in order of prominence, and possible allergen; and
- 305 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a container that:

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- 307 (i) is tamper evident and tamper resistant;
- 308 (ii) does not appeal to children;
- 309 (iii) does not mimic a candy container;
- 310 (iv) complies with child-resistant effectiveness standards that the United States Consumer Product
Safety Commission establishes;
- 312 (v) includes a warning label that states:
- 313 (A) for a container labeled on or after January 1, 2024, "WARNING: Cannabis has intoxicating effects,
may be addictive, and may increase risk of mental illness. Do not operate a vehicle or machinery
under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only.
Use only as directed by a recommending medical provider."; or
- 318 (B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis use by pregnant or
breastfeeding women, may result in fetal injury, preterm birth, or developmental problems for the
child. Cannabis may be addictive and may increase risk of mental illness. Do not operate a vehicle
or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for
medical use only. Use only as directed by a recommending medical provider."; and
- 325 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or after May 3,
2023, includes a warning label that states:
- 327 (A) "WARNING: Vaping of cannabis-derived products has been associated with lung injury."; and
- 329 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung injury.".
- 331 (2)
- (a) ~~[Tø]~~ Except as provided in Subsection (2)(b), to ensure that a cannabis product that a cannabis
processing facility processes or produces has a medical rather than recreational disposition, the
facility may not produce or process a product whose logo, product name, or brand name includes
terms related to recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja,"
"Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie,"
"kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze,"
"toke," or "420."
- 339 (b) A product name may contain the word "hash."
- 340 (3) For any cannabis or cannabis product that the cannabis processing facility processes into a
gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape, the
facility shall:

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- 343 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or other image of
the content of the container; and
- 345 (b) include on the label described in Subsection (1)(a) a warning about the risks of over-consumption.
- 347 (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis processing
facility shall ensure that the label clearly:
- 349 (a) identifies each artificially derived cannabinoid; and
- 350 (b) identifies that each artificially derived cannabinoid is an artificially derived cannabinoid.
- 352 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department:
- 354 (a) shall make rules to establish:
- 355 (i) a standard labeling format that:
- 356 (A) complies with the requirements of this section; and
- 357 (B) ensures inclusion of a pharmacy label; and
- 358 (ii) additional requirements on packaging for cannabis and cannabis products to ensure safety and
product quality; [~~and~~]
- 360 (b) may make rules to further define standards regarding images, words, phrases, or containers that may
appeal to children under Subsection (1)(a)(v) or (1)(b)(ii)[~~;~~] ; and
- 362 (c) may make rules to regulate the use of common terms describing a potential 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.**
- 366 (1) A person may not:
- 367 (a) operate as a medical cannabis pharmacy without a license that the department issues under this part;
- 369 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the person to
exceed the pharmacy ownership limit;
- 371 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the partial ownership
share would cause the person to exceed the pharmacy ownership limit; or
- 374 (d) enter into any contract or agreement that allows the person to directly or indirectly control the
operations of a medical cannabis pharmacy if the person's control of the medical cannabis pharmacy
would cause the person to effectively exceed the pharmacy ownership limit.
- 378 (2)
- (a)

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(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the licensing board shall issue a license to operate a medical cannabis pharmacy.

(ii) The licensing board may not issue a license to operate a medical cannabis pharmacy to an applicant who is not eligible for a license under this section.

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

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

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

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

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

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

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

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

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

(iv) an operating plan that:

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

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

(C) the department approves;

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

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

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- 410 (c)
- 411 (i) A person may not locate a medical cannabis pharmacy:
- 412 (A) within 200 feet of a community location; or
- 412 (B) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.
- 414 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured from the nearest entrance to the medical cannabis pharmacy establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.
- 418 (iii) The licensing board may grant a waiver to reduce the proximity requirements in Subsection (2)(c)
- (i) by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the proposed medical cannabis pharmacy without the waiver.
- 422 (iv) An applicant for a license under this section shall provide evidence of compliance with the proximity requirements described in Subsection (2)(c)(i).
- 424 (d) The licensing board may not issue a license to an eligible applicant that the department has selected to receive a license until the selected eligible applicant complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 427 (e) If the licensing board receives more than one application for a medical cannabis pharmacy within the same city or town, the department shall consult with the local land use authority before approving any of the applications pertaining to that city or town.
- 431 (f) In considering the issuance of a medical cannabis pharmacy license under this section, the licensing board may consider the extent to which the pharmacy can increase efficiency and reduce cost to patients of medical cannabis.
- 434 (3)
- (a) After an entity has been selected for a medical cannabis pharmacy license under this section, the department shall:
- 436 (i) charge the applicant an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 438 (ii) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii); and
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(iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in location, ownership, or company structure.

- 443 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis pharmacy located
in a medically underserved area as determined by the federal Health Resources and Services
Administration shall be 50% less than what is charged for other medical cannabis pharmacies.
- 447 (4) The licensing board may not issue a license to operate a medical cannabis pharmacy to an applicant
if an individual described in Subsection (2)(b)(ii):
- 449 (a) has been convicted under state or federal law of:
- 450 (i) a felony in the preceding 10 years; or
- 451 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 452 (b) is younger than 21 years old; or
- 453 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 454 (5) If an applicant for a medical cannabis pharmacy license under this section holds another license
under this chapter, the licensing board may not give preference to the applicant based on the
applicant's status as a holder of the license.
- 457 (6) The licensing board may revoke a license under this part:
- 458 (a) if the medical cannabis pharmacy does not begin operations within one year after the day on which
the department issues an announcement of the department's intent to award a license to the medical
cannabis pharmacy;
- 461 (b) after the third of the same violation of this chapter in any of the licensee's licensed cannabis
production establishments or medical cannabis pharmacies;
- 463 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is active, under state
or federal law of:
- 465 (i) a felony; or
- 466 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 467 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at the time of
application, or fails to supplement the information described in Subsection (2)(b)(vi) with any
investigation or adverse action that occurs after the submission of the application within 14 calendar
days after the licensee receives notice of the investigation or adverse action;

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- (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the requirements of this chapter or the rules the department makes in accordance with this chapter;
- 475 (f) if, after a change of ownership described in Subsection (10)(c), the department determines that the medical cannabis pharmacy no longer meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this chapter; or
- 479 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the licensing board finds that the licensee has participated in anticompetitive business practices.
- 482 (7)
- (a) A person who receives a medical cannabis pharmacy license under this chapter, if the municipality or county where the licensed medical cannabis pharmacy will be located requires a local land use permit, shall submit to the department a copy of the licensee's approved application for the land use permit within 120 days after the day on which the department issues the license.
- 487 (b) If a licensee fails to submit to the department a copy the licensee's approved land use permit application in accordance with Subsection (7)(a), the department may revoke the licensee's license.
- 490 (8) The department shall deposit the proceeds of a fee imposed by this section into the Qualified Production Enterprise Fund.
- 492 (9)
- (a) The licensing board's authority to issue a license under this section is plenary and is not subject to review.
- 494 (b) Notwithstanding Subsection (2), the decision of the department to award a license to an applicant is not subject to:
- 496 (i) Title 63G, Chapter 6a, Part 16, Protests; or
- 497 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 498 (10)
- (a) A medical cannabis pharmacy license is not transferrable or assignable.
- 499 (b) A medical cannabis pharmacy shall report in writing to the department no later than 45 business days before the date of any change of ownership of the medical cannabis pharmacy.
- 502 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 503 (i) concurrent with the report described in Subsection (10)(b), the medical cannabis pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);

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- 506 (ii) within [30] 60 days of the submission of the application, the licensing board shall:
- 507 (A) conduct an application review; and
- 508 (B) award a license to the medical cannabis pharmacy for the remainder of the term of the medical
cannabis pharmacy's license before the ownership change if the medical cannabis pharmacy meets
the minimum standards for licensure and operation of the medical cannabis pharmacy described in
this chapter; and
- 512 (iii) if the department approves the license application, notwithstanding Subsection (3), the medical
cannabis pharmacy shall pay a license fee that the department sets in accordance with Section
63J-1-504 in an amount that covers the department's cost of conducting the application review.
- 528 Section 5. Section **4-41a-1101** is amended to read:
- 529 **4-41a-1101. Operating requirements -- General.**
- 518 (1)
- (a) A medical cannabis pharmacy shall operate:
- 519 (i) at the physical address provided to the department under Section 4-41a-1001; and
- 520 (ii) in accordance with the operating plan provided to the department under Section 4-41a-1001
and, if applicable, Section 4-41a-1004.
- 522 (b) A medical cannabis pharmacy shall notify the department before a change in the medical cannabis
pharmacy's physical address or operating plan.
- 524 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 525 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
- 526 (b) except as provided in Subsection (4):
- 527 (i) possesses a valid:
- 528 (A) medical cannabis pharmacy agent registration card;
- 529 (B) pharmacy medical provider registration card; or
- 530 (C) medical cannabis card;
- 531 (ii) is an employee of the department performing an inspection under Section 4-41a-1103; or
- 533 (iii) is another individual as the department provides.
- 534 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21 years old.
- 536 (4) Notwithstanding Subsection [~~(2)(a)~~] (2)(b), a medical cannabis pharmacy may authorize an
individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to access
the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors the individual

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at all times while the individual is at the medical cannabis pharmacy and maintains a record of the individual's access.

- 541 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 542 (a) a single, secure public entrance;
- 543 (b) a security system with a backup power source that:
- 544 (i) detects and records entry into the medical cannabis pharmacy; and
- 545 (ii) provides notice of an unauthorized entry to law enforcement when the medical cannabis pharmacy
- is closed; and
- 547 (c) a lock on each area where the medical cannabis pharmacy stores medical cannabis.
- 548 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical cannabis
- pharmacy, the limit on the purchase of cannabis described in Subsection 4-41a-1102(2).
- 551 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(b), a medical cannabis
- pharmacy may not allow any individual to consume cannabis on the property or premises of the
- medical cannabis pharmacy.
- 554 (8) A medical cannabis pharmacy may not sell medical cannabis without first indicating on the medical
- cannabis label the name of the medical cannabis pharmacy.
- 556 (9)
- (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the following information
- regarding each recommendation underlying a transaction:
- 558 (i) the recommending medical provider's name, address, and telephone number;
- 559 (ii) the patient's name and address;
- 560 (iii) the date of issuance;
- 561 (iv) directions of use and dosing guidelines or an indication that the recommending medical
- provider did not recommend specific directions of use or dosing guidelines; and
- 564 (v) if the patient did not complete the transaction, the name of the medical cannabis cardholder who
- completed the transaction.
- 566 (b)
- (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may not sell medical
- cannabis unless the medical cannabis has a label securely affixed to the container indicating the
- following minimum information:
- 569 (A) the name, address, and telephone number of the medical cannabis pharmacy;

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- 570 (B) the unique identification number that the medical cannabis pharmacy assigns;
571 (C) the date of the sale;
572 (D) the name of the patient;
573 (E) the name of the recommending medical provider who recommended the medical cannabis
treatment;
575 (F) directions for use and cautionary statements, if any;
576 (G) the amount dispensed and the cannabinoid content;
577 (H) the suggested use date;
578 (I) for unprocessed cannabis flower, the legal use termination date; and
579 (J) any other requirements that the department determines, in consultation with the Division of
Professional Licensing and the Board of Pharmacy.
- 581 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the following information
under Subsection (9)(b)(i) if the information is already provided on the product label that a cannabis
production establishment affixes:
- 584 (A) a unique identification number;
585 (B) directions for use and cautionary statements;
586 (C) amount and cannabinoid content; and
587 (D) a suggested use date.
- 588 (iii) If the size of a medical cannabis container does not allow sufficient space to include the labeling
requirements described in Subsection (9)(b)(i), the medical cannabis pharmacy may provide the
following information described in Subsection (9)(b)(i) on a supplemental label attached to the
container or an informational enclosure that accompanies the container:
- 593 (A) the cannabinoid content;
594 (B) the suggested use date; and
595 (C) any other requirements that the department determines.
- 596 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical cannabis pharmacy
without a label described in Subsection (9)(b)(i).
- 598 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
599 (a) upon receipt of an order from a recommending medical provider in accordance with Subsections
26B-4-204(1)(b) and (c):

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- (i) for a written order or an electronic order under circumstances that the department determines, contact the recommending medical provider or the recommending medical provider's office to verify the validity of the recommendation; and
- 604 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to verification under Subsection (10)(a)(i), enter the recommending medical provider's recommendation or renewal, including any associated directions of use, dosing guidelines, or caregiver indication, in the state electronic verification system;
- 610 (b) in processing an order for a holder of a conditional medical cannabis card described in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of the pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending medical provider or the recommending medical provider's office to verify the validity of the recommendation before processing the cardholder's order;
- 615 (c) unless the medical cannabis cardholder has had a consultation under Subsection 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a purchase of medical cannabis or a medical cannabis device, personal counseling with the pharmacy medical provider; and
- 619 (d) provide a telephone number or website by which the cardholder may contact a pharmacy medical provider for counseling.
- 621 (11)
 - (a) A medical cannabis pharmacy may create a medical cannabis disposal program that allows an individual to deposit unused or excess medical cannabis or cannabis residue from a medical cannabis device in a locked box or other secure receptacle within the medical cannabis pharmacy.
 - 625 (b) A medical cannabis pharmacy with a disposal program described in Subsection (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider can access deposited medical cannabis.
 - 628 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
 - 629 (i) rendering the deposited medical cannabis unusable and unrecognizable before transporting deposited medical cannabis from the medical cannabis pharmacy; and
 - 631 (ii) disposing of the deposited medical cannabis in accordance with:
 - 632 (A) federal and state law, rules, and regulations related to hazardous waste;
 - 633 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

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- 634 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
635 (D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.
- 637 (12) A medical cannabis pharmacy:
- 638 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a
pharmacy medical provider;
- 640 (b) may employ a physician who has the authority to write a prescription and is licensed under Title 58,
Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice
Act, as a pharmacy medical provider;
- 643 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works onsite during
all business hours;
- 645 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the pharmacist-in-
charge to oversee the operation of and generally supervise the medical cannabis pharmacy;
- 648 (e) shall allow the pharmacist-in-charge to determine which medical cannabis products the medical
cannabis pharmacy maintains in the medical cannabis pharmacy's inventory;
- 651 (f) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
- 652 (i) allow a medical cannabis cardholder located in the pharmacy to view the [~~back~~] fact panel of the
product when requested; and
- 654 (ii) beginning July 1, 2025, include a picture of the [~~back~~] fact panel of the product on the medical
cannabis pharmacy's website;
- 656 (g) shall maintain a video surveillance system that:
- 657 (i) tracks all handling of medical cannabis in the pharmacy;
- 658 (ii) is tamper proof; and
- 659 (iii) stores a video record for at least 45 days;
- 660 (h) shall provide the department access to the video surveillance system upon request;
- 661 (i) if a patient product information insert is available, shall provide a patient who purchases a medical
cannabis product the medical cannabis product's patient product information insert using any of the
following methods:
- 664 (i) a physical document;
- 665 (ii) an email message;
- 666 (iii) a text message; or

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- 667 (iv) a quick response code; and
- 668 (j) may not allow a recommending medical provider to recommend medical cannabis as part of an event
that:
- 670 (i) is a temporary gathering, market, clinic, or promotional event;
- 671 (ii) operates in a temporary tent or structure; and
- 672 (iii) is held within 500 feet of the medical cannabis pharmacy's property line.
- 673 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products 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.**
- 678 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical cannabis pharmacy
unless the department registers the individual as a medical cannabis pharmacy agent.
- 681 (2) A recommending medical provider may not act as a medical cannabis pharmacy agent, have a
financial or voting interest of 2% or greater in a medical cannabis pharmacy, or have the power to
direct or cause the management or control of a medical cannabis pharmacy.
- 685 (3)
- (a) The department shall, within 15 days after the day on which the department receives a complete
application from a medical cannabis pharmacy on behalf of a prospective medical cannabis
pharmacy agent, register and issue a medical cannabis pharmacy agent registration card to the
prospective agent if the medical cannabis pharmacy:
- 690 (i) provides to the department:
- 691 (A) the prospective agent's name and address;
- 692 (B) the name and location of the licensed medical cannabis pharmacy where the prospective agent seeks
to act as the medical cannabis pharmacy agent; and
- 694 (C) the submission required under Subsection (3)(b); and
- 695 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5), the
department sets in accordance with Section 63J-1-504.
- 697 (b) Each prospective agent described in Subsection (3)(a) shall:
- 698 (i) submit to the department:
- 699 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

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- 700 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration
of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation
Identification System's Rap Back Service; and
- 703 (ii) consent to a fingerprint background check by:
- 704 (A) the Bureau of Criminal Identification; and
- 705 (B) the Federal Bureau of Investigation.
- 706 (c) The Bureau of Criminal Identification shall:
- 707 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against the applicable
state, regional, and national criminal records databases, including the Federal Bureau of
Investigation Next Generation Identification System;
- 711 (ii) report the results of the background check to the department;
- 712 (iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (3)(b) for
search by future submissions to the local and regional criminal records databases, including latent
prints;
- 715 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation
Identification System's Rap Back Service for search by future submissions to national criminal
records databases, including the Next Generation Identification System and latent prints; and
- 719 (v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications
for an individual with whom the department maintains an authorizing relationship.
- 722 (d) The department shall:
- 723 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an amount that the
department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal
Identification or another authorized agency provides under this section; and
- 727 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal Identification.
- 729 (4) A medical cannabis pharmacy agent shall comply with a certification standard that the department
develops in collaboration with the Division of Professional Licensing and the Board of Pharmacy, or
a third-party certification standard that the department designates by rule, in collaboration with the
Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.
- 735 (5) The department shall ensure that the certification standard described in Subsection (4) includes
training in:

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- 737 (a) Utah medical cannabis law; and
738 (b) medical cannabis pharmacy best practices.
- 739 (6) The department ~~[may]~~ shall revoke the medical cannabis pharmacy agent registration card of, or
refuse to issue a medical cannabis pharmacy agent registration card to, an individual who:
- 742 (a) violates the requirements of this chapter; or
743 (b) is convicted under state or federal law of:
- 744 (i) a felony within the preceding 10 years; or
745 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 746 (7)
- (a) A medical cannabis pharmacy agent registration card expires two years after the day on which the
department issues or renews the card.
- 748 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the agent:
- 750 (i) is eligible for a medical cannabis pharmacy agent registration card under this section;
752 (ii) certifies to the department in a renewal application that the information in Subsection (3)(a) is
accurate or updates the information; and
- 754 (iii) pays to the department a renewal fee in an amount that:
- 755 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
757 (B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to
the original application process.
- 759 ~~[(8)~~
- (a) ~~As a condition precedent to registration and renewal of a medical cannabis pharmacy agent
registration card, a medical cannabis pharmacy agent shall:]~~
- 761 ~~[(i) complete at least one hour of continuing education regarding patient privacy and federal
health information privacy laws that is offered by the department under Subsection (8)(b) or an
accredited or approved continuing education provider that the department recognizes as offering
continuing education appropriate for the medical cannabis pharmacy practice; and]~~
- 766 ~~[(ii) make a continuing education report to the department in accordance with a process that the
department establishes by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, and in collaboration with the Division of Professional Licensing and the Board
of Pharmacy.]~~

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

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

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

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

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

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

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

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

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

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

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

[(c) accept payments through:]

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

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

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

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

(b) the nature of the relationship between the prospective licensee and the payment provider;

(c) the processes [of the following] followed to safely and reliably conduct transactions for medical cannabis shipments[:]

{(i)} :

[(i) the prospective licensee; and]

[(ii) the electronic payment provider or the financial institution described in Subsection (1)(c); and]

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- (d) the ability of the licensee to comply with the department's rules regarding the secure transportation and delivery of medical cannabis to a medical cannabis cardholder.
- (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that the department designates as a home delivery medical cannabis pharmacy may deliver medical cannabis shipments in accordance with this part.

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

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

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

(2)

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

(i) provides to the department:

- (A) the prospective agent's name and address;
- (B) the name and address of the medical cannabis courier;
- (C) the name and address of each home delivery medical cannabis pharmacy with which the medical cannabis courier contracts to deliver medical cannabis shipments; and
- (D) the submission required under Subsection (2)(b);

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

(A) a felony; or

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

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

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

(i) submit to the department:

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

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(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (2)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (2)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal Identification.

(3)

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

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(b) The department shall ensure that the certification standard described in Subsection (3)(a) includes training in:

- (i) Utah medical cannabis law;
- (ii) the medical cannabis shipment process; and
- (iii) medical cannabis courier agent best practices.
- (4)

(a) A medical cannabis courier agent registration card expires two years after the day on which the department issues or renews the card.

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

- (i) is eligible for a medical cannabis courier agent registration card under this section;
- (ii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information; and

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

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

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

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

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

- (a) the agent is on the premises of the medical cannabis courier, a medical cannabis pharmacy, or a delivery address; and
- (b) the agent is handling a medical cannabis shipment.

(7) If a medical cannabis courier agent handling a medical cannabis shipment possesses the shipment in compliance with Subsection (6):

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

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(b) there is no probable cause, based solely on the agent's possession of the medical cannabis shipment that the agent is engaging in illegal activity.

(8)

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

(i) guilty of an infraction; and

(ii) subject to a \$100 fine.

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

(9) A medical cannabis courier shall:

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

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

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

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

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

(a) the individual receiving the shipment presents:

(i) a government issued photo identification; and

(ii)

(A) a valid medical cannabis card under the same name that appears on the government issued photo identification; or

(B) for a facility that a medical cannabis cardholder has designated as a caregiver under Subsection 26B-4-214(1)(b), evidence of the facility caregiver designation; and

(b) the delivery occurs at:

(i) the delivery address that is on file in the state electronic verification system; or

(ii) the facility that the medical cannabis cardholder has designated as a caregiver under Subsection 26B-4-214(1)(b).

(2)

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- (a) A medical cannabis pharmacy agent may not deliver a medical cannabis shipment on behalf of a home delivery medical cannabis pharmacy unless the medical cannabis pharmacy agent is currently employed by the home delivery medical cannabis pharmacy.
- 932 (b) A medical cannabis courier agent may not deliver a medical cannabis shipment on behalf of a medical cannabis courier unless the medical cannabis courier agent is currently employed by the medical cannabis courier.
- 935 (c) Before a medical cannabis pharmacy agent or a medical cannabis courier agent distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:
- 938 (i) verify the shipment information using the state electronic verification system;
- 939 (ii) ensure that the individual satisfies the identification requirements in Subsection (1);
- 941 (iii) verify that payment is complete; and
- 942 (iv) record the completion of the shipment transaction in a manner such that the delivery of the shipment will later be recorded within a reasonable period in the electronic verification system.
- 945 (3) [The] When delivering a medical cannabis shipment, a home delivery medical cannabis pharmacy or medical cannabis courier shall:
- 947 (a)
- [~~(i)~~] store each medical cannabis shipment in a secure manner until the recipient medical cannabis cardholder receives the shipment or the medical cannabis courier returns the shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4); [~~and~~]
- 951 [~~(ii)~~] (b) use adequate storage or shipping containers and shipping processes to ensure medical cannabis stability and potency and appropriate storage temperatures throughout delivery;
- 954 (c) use shipping containers sealed in a manner to detect evidence of opening or tampering;
- 956 (d) ensure that only a home delivery medical cannabis pharmacy agent or medical cannabis courier agent is able to access the medical cannabis shipment until the recipient medical cannabis cardholder receives the shipment;
- 959 [~~(b)~~] (e) return any undelivered medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4),~~[after the medical cannabis courier has possessed the shipment for 10 business days]~~ within 14 days from the day the medical cannabis shipment was shipped; and
- 963 [~~(e)~~] (f) return any medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to accept the shipment.

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966 (4)

(a) If a medical cannabis courier or home delivery medical cannabis pharmacy agent returns an undelivered medical cannabis shipment [~~that remains unopened, the home delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment~~] before the home delivery medical cannabis pharmacy may repackage the medical cannabis in the returned medical cannabis shipment, the pharmacist at the home delivery medical cannabis pharmacy shall:

972 (i) verify that the medical cannabis was returned to the original home delivery medical cannabis pharmacy within 14 days from the day the medical cannabis was shipped; and

975 (ii) determine in the pharmacist's clinical judgment that the medical cannabis's integrity is intact and the security of the drug packaging has not been compromised.

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

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

986 (ii) disposing of the [shipment] medical cannabis in accordance with:

987 (A) federal and state laws, rules, and regulations related to hazardous waste;

988 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

989 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

990 (D) other regulations that the department makes in accordance with Title 63G, 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 -- 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 Research and Medical Cannabis;

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

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- 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 4, Part 2,
Cannabinoid Research and Medical Cannabis;
- 1017 (b) the Center for Medical Cannabis Research created in Section 53H-4-206 to 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 meet the
requirements described in Section 4-41a-204.1.]~~ if there is remaining money in the fund balance
on June 30 of each fiscal year after all other financial obligations under this Subsection (4) are met,
the department shall provide up to \$300,000 for expenditure the next fiscal year to the nonprofit
contracting entity described in Section 26B-4-248.
- 1025 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research and
Medical Cannabis, in amounts that the department anticipates are necessary, in total, to cover the
department's cost to implement Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 1029 (6) The department may impose a uniform fee on each medical cannabis transaction in a medical
cannabis pharmacy in an amount that, subject to Subsection (5), the department 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.**
- 994 (1) The definitions in Section 26B-4-201 apply to this section.
- 995 (2)
- (a) The department shall establish a Compassionate Use Board consisting of:
- 996 (i) seven ~~[qualified]~~ recommending medical providers that the executive director appoints with the
advice and consent of the Senate:
- 998 (A) who are knowledgeable about the medicinal use of cannabis;
- 999 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
Chapter 68, Utah Osteopathic Medical Practice Act; and
- 1001 (C) who are board certified by the American Board of Medical Specialties or an American Osteopathic
Association Specialty Certifying Board in the specialty of neurology, pain medicine and pain

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management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, family medicine, or gastroenterology; and

1006 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the executive director or
the director's designee.

1008 (b) In appointing the seven [~~qualified~~] recommending medical providers described in Subsection
[~~(2)(a)~~] (2)(a)(i), the executive director shall ensure that at least two have a board certification in
pediatrics.

1011 (3)

(a) Of the members of the Compassionate Use Board that the executive director first appoints:

1013 (i) three shall serve an initial term of two years; and

1014 (ii) the remaining members shall serve an initial term of four years.

1015 (b) After an initial term described in Subsection (3)(a) expires:

1016 (i) each term is four years; and

1017 (ii) each board member is eligible for reappointment.

1018 (c) A member of the Compassionate Use Board may serve until a successor is appointed.

1019 (d) Four members constitute a quorum of the Compassionate Use Board.

1020 (4) A member of the Compassionate Use Board may receive:

1021 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's service; and

1023 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the Division of Finance in
accordance with Section 63A-3-107.

1025 (5) The Compassionate Use Board shall:

1026 (a) review and recommend for department approval a petition to the board regarding an individual
described in Subsection 26B-4-213(2)(a), a minor described in Subsection 26B-4-213(2)(c), or an
individual who is not otherwise qualified to receive a medical cannabis card to obtain a medical
cannabis card for compassionate use, for the standard or a reduced period of validity, if:

1031 (i) for an individual who is not otherwise qualified to receive a medical cannabis card, the individual's
recommending medical provider is actively treating the individual for an intractable condition that:

1034 (A) substantially impairs the individual's quality of life; and

1035 (B) has not, in the recommending medical provider's professional opinion, adequately responded to
conventional treatments;

1037 (ii) the recommending medical provider:

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- 1038 (A) recommends that the individual or minor be allowed to use medical cannabis; and
- 1040 (B) provides a letter, relevant treatment history, and notes or copies of progress notes describing
relevant treatment history including rationale for considering the use of medical cannabis; and
- 1043 (iii) the Compassionate Use Board determines that:
- 1044 (A) the recommendation of the individual's recommending medical provider is justified; and
- 1046 (B) based on available information, it may be in the best interests of the individual to allow the use of
medical cannabis;
- 1048 (b) when a recommending medical provider recommends that an individual described in Subsection
26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c) be allowed to use a
medical cannabis device or medical cannabis to vaporize a medical cannabis treatment, review and
approve or deny the use of the medical cannabis device or medical cannabis;
- 1053 (c) unless no petitions are pending:
- 1054 (i) meet to receive or review compassionate use petitions at least quarterly; and
- 1055 (ii) if there are more petitions than the board can receive or review during the board's regular schedule,
as often as necessary;
- 1057 (d) except as provided in Subsection (6), complete a review of each petition and recommend to the
department approval or denial of the applicant for qualification for a medical cannabis card within
90 days after the day on which the board received the petition; and
- 1061 (e) consult with the department regarding the criteria described in Subsection (6).
- 1062 (6) The department shall make rules, in consultation with the Compassionate Use Board and in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process
and criteria for a petition to the board to automatically qualify for expedited final review and
approval or denial by the department in cases where, in the determination of the department and the
board:
- 1067 (a) time is of the essence;
- 1068 (b) engaging the full review process would be unreasonable in light of the petitioner's physical
condition; and
- 1070 (c) sufficient factors are present regarding the petitioner's safety.
- 1071 (7)
- (a)
- (i) The department shall review:

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- 1072 (A) any compassionate use for which the Compassionate Use Board recommends approval
under Subsection (5)(d) to determine whether the board properly exercised the board's
discretion under this section; and
- 1075 (B) any expedited petitions the department receives under the process described in Subsection
(6).
- 1077 (ii) If the department determines that the Compassionate Use Board properly exercised the board's
discretion in recommending approval under Subsection (5)(d) or that the expedited petition
merits approval based on the criteria established in accordance with Subsection (6), the
department shall:
- 1081 (A) issue the relevant medical cannabis card; and
- 1082 (B) provide for the renewal of the medical cannabis card in accordance with the recommendation of the
recommending medical provider described in Subsection (5)(a).
- 1085 (b) If the Compassionate Use Board recommends denial under Subsection (5)(d), the individual seeking
to obtain a medical cannabis card may petition the department to review the board's decision.
- 1088 (c) In reviewing the Compassionate Use Board's recommendation for approval or denial under
Subsection (5)(d) in accordance with this Subsection (7), the department shall presume the
board properly exercised the board's discretion unless the department determines that the board's
recommendation was arbitrary or capricious.
- 1092 (8) Any individually identifiable health information contained in a petition that the Compassionate Use
Board or department receives under this section is a protected record in accordance with Title 63G,
Chapter 2, Government Records Access and Management Act.
- 1096 (9) The Compassionate Use Board shall annually report the board's activity to the advisory board.
- 1138 Section 12. Section **26B-4-201** is amended to read:
- 1139 **26B-4-201. Definitions.**
- As used in this part:
- 1101 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and tetrahydrocannabinolic acid.
- 1103 (2) "Administration of criminal justice" means the performance of detection, apprehension, detention,
pretrial release, post-trial release, prosecution, and adjudication.
- 1105 (3) "Advertise" means information provided by a person in any medium:
- 1106 (a) to the public; and
- 1107 (b) that is not age restricted to an individual who is at least 21 years old.

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- 1108 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in Section
26B-1-435.
- 1110 (5) "Cannabis" means marijuana.
- 1111 (6) "Cannabis processing facility" means the same as that term is defined in Section 4-41a-102.
- 1113 (7) "Cannabis product" means a product that:
- 1114 (a) is intended for human use; and
- 1115 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total concentration of 0.3% or
greater on a dry weight basis.
- 1117 (8) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102.
- 1119 (9) "Cannabis production establishment agent" means the same as that term is defined in Section
4-41a-102.
- 1121 (10) "Cannabis production establishment agent registration card" means the same as that term is defined
in Section 4-41a-102.
- 1123 (11) "Conditional medical cannabis card" means an electronic medical cannabis card that the
department issues in accordance with Subsection 26B-4-213(1)(b) to allow an applicant for a
medical cannabis card to access medical cannabis during the department's review of the application.
- 1127 (12) "Controlled substance database" means the controlled substance database created in Section
58-37f-201.
- 1129 (13) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1130 (14) "Department" means the Department of Health and Human Services.
- 1131 (15) "Designated caregiver" means:
- 1132 (a) an individual:
- 1133 (i) whom an individual with a medical cannabis patient card or a medical cannabis guardian card
designates as the patient's caregiver; and
- 1135 (ii) who registers with the department under Section 26B-4-214; or
- 1136 (b)
- (i) a facility that an individual designates as a designated caregiver in accordance with Subsection
26B-4-214(1)(b); or
- 1138 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1139 (16) "Directions of use" means recommended routes of administration for a medical cannabis treatment
and suggested usage guidelines.

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- 1141 (17) "Dosing guidelines" means a quantity range and frequency of administration for a recommended
treatment of medical cannabis.
- 1143 (18) "Government issued photo identification" means any of the following forms of identification:
- 1145 (a) a valid state-issued driver license or identification card;
- 1146 (b) a valid United States federal-issued photo identification, including:
- 1147 (i) a United States passport;
- 1148 (ii) a United States passport card;
- 1149 (iii) a United States military identification card; or
- 1150 (iv) a permanent resident card or alien registration receipt card; ~~[or]~~
- 1151 (c) a foreign passport~~[-]~~ ; or
- 1152 (d) a tribal government-issued photo identification.
- 1153 (19) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the
department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a
delivery address to fulfill electronic orders.
- 1156 (20) "Incapacitated" means the same as that term is defined in Section 75-1-201.
- 1157 ~~[(20)]~~ (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1158 ~~[(21)]~~ (22) "Legal dosage limit" means an amount that:
- 1159 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant
recommending medical provider or pharmacy medical provider, in accordance with Subsection
26B-4-231(5), recommends; and
- 1162 (b) may not exceed:
- 1163 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1164 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than 20
grams of active tetrahydrocannabinol.
- 1166 ~~[(22)]~~ (23) "Legal use termination date" means a date on the label of a container of unprocessed
cannabis flower:
- 1168 (a) that is 60 days after the date of purchase of the cannabis; and
- 1169 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the primary residence of
the relevant medical cannabis patient cardholder.
- 1171 ~~[(23)]~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1172

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[~~(24)~~] (25) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

1174 [~~(25)~~] (26) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.

1177 [~~(26)~~] (27) "Medical cannabis cardholder" means:

1178 (a) a holder of a medical cannabis card; or

1179 (b) a facility or assigned employee, described in Subsection (15)(b), only:

1180 (i) within the scope of the facility's or assigned employee's performance of the role of a medical cannabis patient cardholder's caregiver designation under Subsection 26B-4-214(1)(b); and

1183 (ii) while in possession of documentation that establishes:

1184 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);

1185 (B) the identity of the individual presenting the documentation; and

1186 (C) the relation of the individual presenting the documentation to the caregiver designation.

1188 [~~(27)~~] (28) "Medical cannabis caregiver card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:

1190 (a) the department issues to an individual whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder designates as a designated caregiver; and

1192 (b) is connected to the electronic verification system.

1193 [~~(28)~~] (29) "Medical cannabis courier" means the same as that term is defined in Section 4-41a-102.

1195 [~~(29)~~] (30)

(a) "Medical cannabis device" means a device that an individual uses to ingest or inhale medical cannabis.

1197 (b) "Medical cannabis device" does not include a device that:

1198 (i) facilitates cannabis combustion; or

1199 (ii) an individual uses to ingest substances other than cannabis.

1200 [~~(30)~~] (31) "Medical cannabis guardian card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:

1202 (a) the department issues to the parent or legal guardian of a minor [~~with a qualifying condition~~] or legal guardian of an incapacitated adult; and

1204 (b) is connected to the electronic verification system.

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

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

(b) is connected to the electronic verification system.

[~~(32)~~] (33) "Medical cannabis pharmacy" means a person that:

(a)

(i) acquires or intends to acquire medical cannabis from a cannabis processing facility or another medical cannabis pharmacy or a medical cannabis device; or

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

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

[~~(33)~~] (34) "Medical cannabis pharmacy agent" means an individual who holds a valid medical cannabis pharmacy agent registration card issued by the department.

[~~(34)~~] (35) "Medical cannabis pharmacy agent registration card" means a registration card issued by the department that authorizes an individual to act as a medical cannabis pharmacy agent.

[~~(35)~~] (36) "Medical cannabis shipment" means the same as that term is defined in Section 4-41a-102.

[~~(36)~~] (37) "Medical cannabis treatment" means medical cannabis or a medical cannabis device.

[~~(37)~~] (38)

(a) "Medicinal dosage form" means:

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

(A) a tablet;

(B) a capsule;

(C) a concentrated liquid or viscous oil;

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

(E) a topical preparation;

(F) a transdermal preparation;

(G) a sublingual preparation;

(H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape;

(I) a resin or wax;

(J) an aerosol;

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- 1238 (K) a suppository preparation; or
- 1239 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform spherical shape, is
homogeneous in color and texture, and each piece is a single serving; or
- 1242 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1243 (A) contains cannabis flower in a quantity that varies by no more than 10% from the stated weight at the
time of packaging;
- 1245 (B) at any time the medical cannabis cardholder transports or possesses the container in public, is
contained within an opaque bag or box ~~that the medical cannabis pharmacy provides~~; and
- 1248 (C) is labeled with the container's content and weight, the date of purchase, the legal use termination
date, and a barcode that provides information connected to an inventory control system.
- 1251 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1252 (i) the medical cannabis cardholder has recently removed from the container described in Subsection
~~[(37)(a)(ii)]~~ (38)(a)(ii) for use; and
- 1254 (ii) does not exceed the quantity described in Subsection ~~[(37)(a)(ii)]~~ (38)(a)(ii).
- 1255 (c) "Medicinal dosage form" does not include:
- 1256 (i) any unprocessed cannabis flower outside of the container described in Subsection ~~[(37)(a)(ii)]~~ (38)
(a)(ii), except as provided in Subsection ~~[(37)(b)]~~ (38)(b);
- 1258 (ii) any unprocessed cannabis flower in a container described in Subsection ~~[(37)(a)(ii)]~~ (38)(a)(ii) after
the legal use termination date;
- 1260 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis on a nail or
other metal object that is heated by a flame, including a blowtorch;
- 1263 (iv) a liquid suspension that is branded as a beverage;
- 1264 (v) a substance described in Subsection ~~[(37)(a)(i)]~~ (38)(a)(i) or (ii) if the substance is not measured in
grams, milligrams, or milliliters; or
- 1266 (vi) a substance that contains or is covered to any degree with chocolate.
- 1267 ~~[(38)]~~ (39) "Nonresident patient" means an individual who:
- 1268 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1269 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis card under the
laws of another state, district, territory, commonwealth, or insular possession of the United States;
and
- 1272 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

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- 1273 [(39)] (40) "Patient product information insert" means a single page document or webpage that contains
information about a medical cannabis product regarding:
- 1275 (a) how to use the product;
- 1276 (b) common side effects;
- 1277 (c) serious side effects;
- 1278 (d) dosage;
- 1279 (e) contraindications;
- 1280 (f) safe storage;
- 1281 (g) information on when a product should not be used; and
- 1282 (h) other information the department deems appropriate in consultation with the cannabis processing
facility that created the product.
- 1284 [(40)] (41) "Pharmacy medical provider" means the medical provider required to be on site at a medical
cannabis pharmacy under Section 26B-4-219.
- 1286 [(41)] (42) "Provisional patient card" means a card that:
- 1287 (a) the department issues to a minor [~~with a qualifying condition~~] or incapacitated adult for whom:
- 1289 (i) a recommending medical provider has recommended a medical cannabis treatment; and
- 1291 (ii) the department issues a medical cannabis guardian card to the minor's parent or legal guardian or the
incapacitated adult's legal guardian; and
- 1293 (b) is connected to the electronic verification system.
- 1294 [(42)] (43) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section 26B-1-310.
- 1296 [(43)] (44) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1297 [(44)] (45) "Recommend" or "recommendation" means, for a recommending medical provider, the act
of suggesting the use of medical cannabis treatment, which:
- 1299 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1300 (b) may include, at the recommending medical provider's discretion, directions of use, with or without
dosing guidelines.
- 1302 [(45)] (46) "Recommending medical provider" means an individual who:
- 1303 (a) meets the recommending qualifications;
- 1304 (b) completes four hours of continuing medical education specific to medical cannabis through formal
or informal sources; and
- 1306

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(c) every two years, provides an acknowledgment to the department that the individual completed four hours of continuing medical education.

1308 [~~(46)~~] (47) "Recommending qualifications" means that an individual:

1309 (a)

(i) has the authority to write a prescription;

1310 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act; and

1312 (iii) possesses the authority, in accordance with the individual's scope of practice, to prescribe a Schedule II controlled substance; and

1314 (b) is licensed as:

1315 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1316 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act;

1318 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1320 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1321 [~~(47)~~] (48) "State electronic verification system" means the system described in Section 26B-4-202.

1323 [~~(48)~~] (49) "Targeted marketing" means the promotion by a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider of a medical cannabis recommendation service using any of the following methods:

1327 (a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information;

1329 (b) an in-person marketing event that is held in an area where only an individual who is at least 21 years old may access the event;

1331 (c) other marketing material that is physically or digitally displayed in the office of the medical clinic or office that employs a recommending medical provider; or

1333 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider shares with an individual who is at least 21 years old.

1336 [~~(49)~~] (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1338 [~~(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:

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

- 1341 (1) The Department of Agriculture and Food, the department, the Department of Public Safety, and the
Division of Technology Services shall:
- 1343 (a) enter into a memorandum of understanding in order to determine the function and operation of the
state electronic verification system in accordance with Subsection (2);
- 1345 (b) coordinate with the Division of Purchasing and General Services, under Title 63G, Chapter 6a,
Utah Procurement Code, to develop a request for proposals for a third-party provider to develop and
maintain the state electronic verification system in coordination with the Division of Technology
Services; and
- 1349 (c) select a third-party provider who:
- 1350 (i) meets the requirements contained in the request for proposals issued under Subsection (1)(b); and
- 1352 (ii) may not have any commercial or ownership interest in a cannabis production establishment or a
medical cannabis pharmacy.
- 1354 (2) The Department of Agriculture and Food, the department, the Department of Public Safety, and the
Division of Technology Services shall ensure that the state electronic verification system described
in Subsection (1):
- 1357 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a medical
cannabis guardian card, provided that the card may not become active until:
- 1359 (i) the relevant recommending medical provider completes the associated medical cannabis
recommendation; or
- 1361 (ii) the medical cannabis pharmacy completes the recording described in [~~Subsection (2)~~
~~(d)~~] Subsections (2)(d)(ii) and (iii);
- 1363 (b) allows an individual to apply to renew a medical cannabis patient card or a medical cannabis
guardian card in accordance with Section 26B-4-213;
- 1365 (c) allows a recommending medical provider, or an employee described in Subsection (3) acting on
behalf of the recommending medical provider, to:
- 1367 (i) access dispensing and card status information regarding a patient:
- 1368 (A) with whom the recommending medical provider has a provider-patient relationship; and
- 1370 (B) for whom the recommending medical provider has recommended or is considering recommending a
medical cannabis card;

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- (ii) electronically recommend treatment with medical cannabis and optionally recommend dosing guidelines;
- 1374 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or medical cannabis guardian cardholder:
- 1376 (A) using telehealth services, for the recommending medical provider who originally recommended a medical cannabis treatment during a face-to-face visit with the patient; or
- 1379 (B) during a face-to-face visit with the patient, for a recommending medical provider who did not originally recommend the medical cannabis treatment during a face-to-face visit; and
- 1382 (iv) submit an initial application, renewal application, or application payment on behalf of an individual applying for any of the following:
- 1384 (A) a medical cannabis patient card;
- 1385 (B) a medical cannabis guardian card; or
- 1386 (C) a medical cannabis caregiver card;
- 1387 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1389 (i) access the electronic verification system to review the history within the system of a patient with whom the provider or agent is interacting, limited to read-only access for medical cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge authorizes add and edit access;
- 1393 (ii) record a patient's recommendation from a recommending medical provider, including any directions of use, dosing guidelines, or caregiver indications from the recommending medical provider;
- 1396 (iii) record a recommending medical provider's renewal of the provider's previous recommendation; and
- 1398 (iv) submit an initial application, renewal application, or application payment on behalf of an individual applying for any of the following:
- 1400 (A) a medical cannabis patient card;
- 1401 (B) a medical cannabis guardian card; or
- 1402 (C) a medical cannabis caregiver card;
- 1403 (e) connects with:
- 1404 (i) an inventory control system that a medical cannabis pharmacy uses to track in real time and archive purchases of any medical cannabis or a medical cannabis device, including:
- 1407 (A) the time and date of each purchase;

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- 1408 (B) the quantity and type of medical cannabis or medical cannabis device purchased;
- 1410 (C) any cannabis production establishment, any medical cannabis pharmacy, or any medical cannabis
courier associated with the medical cannabis or medical cannabis device; and
- 1413 (D) the personally identifiable information of the medical cannabis cardholder who made the purchase;
and
- 1415 (ii) any commercially available inventory control system that a cannabis production establishment
utilizes in accordance with Section 4-41a-103 to use data that the Department of Agriculture and
Food requires by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act, from the inventory tracking system that a licensee uses to track and confirm compliance;
- 1420 (f) provides access to:
- 1421 (i) the department to the extent necessary to carry out the department's functions and responsibilities
under this part;
- 1423 (ii) the Department of Agriculture and Food to the extent necessary to carry out the functions and
responsibilities of the Department of Agriculture and Food under Title 4, Chapter 41a, Cannabis
Production Establishments and Pharmacies; and
- 1426 (iii) the Division of Professional Licensing to the extent necessary to carry out the functions and
responsibilities related to the participation of the following in the recommendation and dispensing of
medical cannabis:
- 1429 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1431 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1432 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
- 1434 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68,
Utah Osteopathic Medical Practice Act; or
- 1436 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
- 1438 (g) communicates dispensing information from a record that a medical cannabis pharmacy submits
to the state electronic verification system under Subsection 4-41a-1102(3)(a)(ii) to the controlled
substance database;
- 1441 (h) provides access to state or local law enforcement only to verify the validity of an individual's
medical cannabis card for the administration of criminal justice and through a database used by law
enforcement; and

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- (i) creates a record each time a person accesses the system that identifies the person who accesses the system and the individual whose records the person accesses.

1446 (3)

- (a) An employee of a recommending medical provider may access the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the recommending medical provider if:

- 1449 (i) the recommending medical provider has designated the employee as an individual authorized to
access the electronic verification system on behalf of the recommending medical provider;
- 1452 (ii) the recommending medical provider provides written notice to the department of the employee's
identity and the designation described in Subsection (3)(a)(i); and
- 1454 (iii) the department grants to the employee access to the electronic verification system.

- 1456 (b) An employee of a business that employs a recommending medical provider may access the
electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
recommending medical provider if:

- 1459 (i) the recommending medical provider has designated the employee as an individual authorized to
access the electronic verification system on behalf of the recommending medical provider;
 - 1462 (ii) the recommending medical provider and the employing business jointly provide written notice to
the department of the employee's identity and the designation described in Subsection (3)(b)(i); and
 - 1465 (iii) the department grants to the employee access to the electronic verification system.
- 1467 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall complete at least one
hour of education regarding health information privacy laws that is offered by the department or
an accredited or approved education provider that the department recognizes before the department
may grant the employee access to the electronic verification system.

1472 (4)

- (a) Subject to Subsection (4)(c), a medical cannabis pharmacy agent may access the electronic
verification system for a purpose described in Subsection (2)(d) if:

- 1474 (i) the pharmacist-in-charge has designated the agent as an individual authorized to access the
electronic verification system;
- 1476 (ii) the agent completes continuing education regarding health information privacy laws that is
offered by the department or an accredited or approved education provider that the department
recognizes;

1479

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(iii) the agent has completed the training described in Subsection (4)(a)(ii) within the previous two years; and

(iv) the department grants to the agent access to the electronic verification system.

(b) The pharmacist-in-charge shall ensure that each medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to the state electronic verification system is in compliance with Subsection (4)(a).

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

~~[(4)]~~ (5)

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

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

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

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

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

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

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

(a) conducting medical and other department approved research;

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

(c) other official department purposes.

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

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

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

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

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

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1513 ~~[(9)]~~ (10)

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

1518 (b) Each separate violation of ~~[this]~~ Subsection ~~[(9)]~~ (10) is:

1519 (i) a third degree felony; and

1520 (ii) subject to a civil penalty not to exceed \$5,000.

1521 ~~[(e) A law enforcement officer who uses the database used by law enforcement to access information in the electronic verification system for a reason that is not the administration of criminal justice is guilty of a class B misdemeanor.]~~

1524 ~~[(d)]~~ (c) The department shall determine a civil violation of this Subsection ~~[(9)]~~ (10) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1526 ~~[(e)]~~ (d) Civil penalties assessed under this Subsection ~~[(9)]~~ (10) shall be deposited into the General Fund.

1528 ~~[(f)]~~ (e) This Subsection ~~[(9)]~~ (10) does not prohibit a person who obtains information from the state electronic verification system under Subsection (2)(a), (c), or (f) from:

1530 (i) including the information in the person's medical chart or file for access by a person authorized to review the medical chart or file;

1532 (ii) providing the information to a person in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996; or

1534 (iii) discussing or sharing that information about the patient with the patient.

1535 ~~(11) A law enforcement officer who uses the database used by law enforcement to access information in the electronic verification system for a reason that is not the 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 -- Conditional medical cannabis card -- Application -- Fees -- Studies.**

1541 (1)

(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an application in accordance

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with this section or Section 26B-4-214, the department shall~~[:]~~ issue the appropriate card to the individual for which the individual applied.

1545 ~~[(i) issue a medical cannabis patient card to an individual described in Subsection (2)(a);]~~

1547 ~~[(ii) issue a medical cannabis guardian card to an individual described in Subsection (2)(b);]~~

1549 ~~[(iii) issue a provisional patient card to a minor described in Subsection (2)(c); and]~~

1550 ~~[(iv) issue a medical cannabis caregiver card to an individual described in Subsection
26B-4-214(4).]~~

1552 (b)

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

1558 (ii) A conditional medical cannabis card is valid for the lesser of:

1559 (A) 60 days; or

1560 (B) the day on which the department completes the department's review and issues a medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card application, or revokes the conditional medical cannabis card under Subsection (8).

1564 (iii) The department may issue a conditional medical cannabis card to an individual applying for a medical cannabis patient card for which approval of the Compassionate Use Board is not required.

1567 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and obligations under law applicable to a holder of the medical cannabis card for which the individual applies and for which the department issues the conditional medical cannabis card.

1571 (2)

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

1572 (i)

(A) the individual is at least 21 years old; or

1573 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate Use Board under Section 26B-1-421, and the Compassionate Use Board recommends department approval of the petition;

1576 (ii) the individual is a Utah resident;

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- 1577 (iii) the individual's recommending medical provider recommends treatment with medical cannabis
in accordance with Subsection (4);
- 1579 (iv) the individual signs an acknowledgment stating that the individual received the information
described in Subsection (9); and
- 1581 (v) the individual pays to the department a fee in an amount that, subject to Subsection
26B-1-310(5), the department sets in accordance with Section 63J-1-504.
- 1584 (b)
- (i) An individual is eligible for a medical cannabis guardian card if the individual:
- 1585 (A) is at least 18 years old;
- 1586 (B) is a Utah resident;
- 1587 (C)
- (I) is the parent or legal guardian of a minor for whom the minor's recommending medical provider
recommends a medical cannabis treatment, the individual petitions the Compassionate Use Board
under Section 26B-1-421, and the Compassionate Use Board recommends department approval of
the petition; or
- 1592 (II) is the legal guardian of an incapacitated adult and provides acceptable proof of guardianship to the
department;
- 1594 (D) [the individual] signs an acknowledgment stating that the individual received the information
described in Subsection (9); and
- 1596 (E) [pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5), the
department sets in accordance with Section 63J-1-504, plus the cost of the criminal background
check described in Section 26B-4-215.] signs an attestation under penalty of perjury that the
individual is eligible for a medical cannabis guardian card under Section 26B-4-246.
- 1599 (ii) The department shall notify the Department of Public Safety of each individual that the department
registers for a medical cannabis guardian card.
- 1601 (c)
- (i) A minor is eligible for a provisional patient card if:
- 1602 (A) the minor has a qualifying condition;
- 1603 (B) the minor's recommending medical provider recommends a medical cannabis treatment to
address the minor's qualifying condition;
- 1605

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(C) one of the minor's parents or legal guardians petitions the Compassionate Use Board under Section 26B-1-421, and the Compassionate Use Board recommends department approval of the petition; and

(D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a medical cannabis caregiver card under Section 26B-4-214.

(ii) The department shall automatically issue a provisional patient card to the minor described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis guardian card to the minor's parent or legal guardian.

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

(e) The department shall issue a provisional patient card to an incapacitated adult if:

(i) the incapacitated adult's legal guardian qualifies for a medical cannabis guardian card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a medical cannabis caregiver card under Section 26B-4-214; and

(ii) the individual's recommending medical provider recommends treatment with medical cannabis in accordance with Subsection (4).

(3)

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

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

(ii) with the recommending medical provider; and

(iii) with information including:

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

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

(C) for a medical cannabis guardian card, the name, gender, and age of the ~~[minor]~~ individual receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and

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

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(b)

(i) If a recommending medical provider determines that, because of age, illness, or disability, a medical cannabis patient cardholder requires assistance in administering the medical cannabis treatment that the recommending medical provider recommends, the recommending medical provider may indicate the cardholder's need in the state electronic verification system, either directly or through the order described in Subsections 26B-4-204(1)(b) and (c).

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(ii) If a recommending medical provider makes the indication described in Subsection (3)(b)(i):

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

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(B) any adult who is 18 years old or older and who is physically present with the cardholder at the time the cardholder needs to use the recommended medical cannabis treatment may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in administering the recommended medical cannabis treatment; and

1654

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

1659

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

1661

(A) ingest or inhale medical cannabis;

1662

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

1665

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

1667

(4)

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

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

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- 1671 (i) is on hospice or has a terminal illness according to the patient's medical provider;
1672 (ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a nursing care facility,
as defined in Section 26B-2-201;
1674 (iii) has previously received a medical cannabis recommendation from the recommending medical
provider through a face-to-face visit; or
1676 (iv) is a current patient of the recommending medical provider and has met with the recommending
medical provider face-to-face previously.
- 1678 (c) A recommending medical provider shall:
1679 (i) before recommending or renewing a recommendation for medical cannabis~~[in a medicinal dosage
form or a cannabis product in a medicinal dosage form]~~:
1681 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal guardian's
government issued photo identification described in Subsection (3)(a);
1684 (B) review any record related to the patient and, for a minor patient, the patient's parent or legal
guardian accessible to the recommending medical provider including in the controlled substance
database created in Section 58-37f-201; and
1688 (C) consider the recommendation in light of the patient's qualifying condition, history of substance use
or opioid use disorder, and history of medical cannabis and controlled substance use during a visit
with the patient; and
- 1691 (ii) state in the recommending medical provider's recommendation that the patient:
1692 (A) suffers from a qualifying condition, including the type of qualifying condition; and
1694 (B) may benefit from treatment with ~~[cannabis in a medicinal dosage form or a cannabis product in a
medicinal dosage form]~~ medical cannabis.
- 1696 (5)
(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the department issues
under this section is valid for the lesser of:
1698 (i) an amount of time that the recommending medical provider determines; or
1699 (ii) one year from the day the card is issued.
- 1700 (b)
(i) A medical cannabis card that the department issues in relation to a terminal illness described in
Section 26B-4-203 expires after one year.

1702

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

1705 (c) A medical cannabis card that the department issues in relation to acute pain as described in Section 26B-4-203 expires 30 days after the day on which the department first issues a conditional or full medical cannabis card.

1708 (6)

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

1710 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or (b); or

1712 (ii) the cardholder received the medical cannabis card through the recommendation of the
Compassionate Use Board under Section 26B-1-421.

1714 (b) The recommending medical provider who made the underlying recommendation for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card through phone or video conference with the cardholder, at the recommending medical provider's discretion.

1718 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b) shall pay to the department a renewal fee in an amount that:

1720 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with Section 63J-1-504; and

1722 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

1724 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional patient card renews automatically at the time the minor's parent or legal guardian renews the parent or legal guardian's associated medical cannabis guardian card.

1727 (7)

(a) A cardholder under this section shall carry the cardholder's valid medical cannabis card with the patient's name.

1729 (b)

(i) A medical cannabis patient cardholder or a provisional patient cardholder may purchase, in accordance with this part and the recommendation underlying the card, [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form,~~] medical cannabis or a medical cannabis device.

1733

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(ii) A cardholder under this section may possess or transport, in accordance with this part and the recommendation underlying the card, [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form,~~] medical cannabis or a medical cannabis device.

(iii) To address the qualifying condition underlying the medical cannabis treatment recommendation:

(A) a medical cannabis patient cardholder or a provisional patient cardholder may use medical cannabis or a medical cannabis device; and

(B) a medical cannabis guardian cardholder may assist the associated provisional patient cardholder with the use of medical cannabis or a medical cannabis device.

(8)

(a) The department may revoke a medical cannabis card that the department issues under this section if:

(i) the recommending medical provider withdraws the medical provider's recommendation for medical cannabis; or

(ii) the cardholder:

(A) violates this part; or

(B) is convicted under state or federal law of, after March 17, 2021, a drug distribution offense.

(b) The department may not refuse to issue a medical cannabis card to a patient solely based on a prior revocation under Subsection (8)(a)(i).

(9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to provide information regarding the following to an individual receiving a medical cannabis card:

(a) risks associated with medical cannabis treatment;

(b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition, as described in Subsection 26B-4-203(1); and

(c) other relevant warnings and safety information that the department determines.

(10) The department may establish procedures by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance provisions of this section.

(11)

(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow an individual from another state to register with

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the department in order to purchase medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual is visiting the state.

- 1770 (b) The department may only provide the registration process described in Subsection (11)(a):
1772 (i) to a nonresident patient; and
1773 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days per visitation
period.
1775 (12)
(a) A person may submit to the department a request to conduct a research study using medical cannabis
cardholder data that the state electronic verification system contains.
1778 (b) The department shall review a request described in Subsection (12)(a) to determine whether an
institutional review board, as that term is defined in Section 26B-4-201, could approve the research
study.
1781 (c) At the time an individual applies for a medical cannabis card, the department shall notify the
individual:
1783 (i) of how the individual's information will be used as a cardholder;
1784 (ii) that by applying for a medical cannabis card, unless the individual withdraws consent under
Subsection (12)(d), the individual consents to the use of the individual's information for external
research; and
1787 (iii) that the individual may withdraw consent for the use of the individual's information for external
research at any time, including at the time of application.
1789 (d) An applicant may, through the medical cannabis card application, and a medical cannabis
cardholder may, through the state central patient portal, withdraw the applicant's or cardholder's
consent to participate in external research at any time.
1792 (e) The department may release, for the purposes of a study described in this Subsection (12),
information about a cardholder under this section who consents to participate under Subsection (12)
(c).
1795 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of consent:
1797 (i) applies to external research that is initiated after the withdrawal of consent; and
1798 (ii) does not apply to research that was initiated before the withdrawal of consent.
1799 (g) The department may establish standards for a medical research study's validity, by rule made in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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- 1802 (13) The department shall record the issuance or revocation of a medical cannabis card 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 -- Revocation.**
- 1807 (1)
- (a) A ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical
cannabis guardian cardholder may designate up to two individuals, or an individual and a facility in
accordance with Subsection (1)(b), to serve as a designated caregiver for the cardholder.
- 1811 (b)
- (i) A ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical
cannabis guardian cardholder may designate one of the following types of facilities as one of the
caregivers described in Subsection (1)(a):
- 1814 (A) for a patient or resident, an assisted living facility, as that term is defined in Section 26B-2-201;
- 1816 (B) for a patient or resident, a nursing care facility, as that term is defined in Section 26B-2-201; or
- 1818 (C) for a patient, a general acute hospital, as that term is defined in Section 26B-2-201.
- 1820 (ii) A facility may:
- 1821 (A) assign one or more employees to assist patients with medical cannabis treatment under the caregiver
designation described in this Subsection (1)(b); and
- 1824 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a medical cannabis
courier on behalf of the medical cannabis cardholder within the facility who designated the facility
as a caregiver.
- 1827 (iii) The department shall make rules to regulate the practice of facilities and facility employees serving
as designated caregivers under this Subsection (1)(b).
- 1829 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation with the minor
and the minor's recommending medical provider, may designate up to two individuals to serve as [a]
designated ~~[caregiver]~~ caregivers for the minor, if the department determines that the parent or legal
guardian is not eligible for a medical cannabis guardian card under Section 26B-4-213.
- 1834 (d)
- (i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient with a terminal illness
described in Section 26B-4-203, the department shall issue to the designated caregiver an electronic
conditional medical cannabis caregiver card, in accordance with this Subsection (1)(d).

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- 1838 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
1839 (A) 60 days; or
1840 (B) the day on which the department completes the department's review and issues a medical cannabis
caregiver card under Subsection (1)(a), denies the patient's medical cannabis caregiver card
application, or revokes the conditional medical cannabis caregiver card under Section 26B-4-246.
- 1844 (iii) The department may issue a conditional medical cannabis card to an individual applying for a
medical cannabis patient card for which approval of the Compassionate Use Board is not required.
- 1847 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and obligations under
law applicable to a holder of the medical cannabis card for which the individual applies and for
which the department issues the conditional medical cannabis card.
- 1851 (2) An individual that the department registers as a designated caregiver under this section and a facility
described in Subsection (1)(b):
- 1853 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver card;
1855 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in the use of
medical cannabis or a medical cannabis device on behalf of the designating medical cannabis
cardholder;
- 1858 (c) may not charge a fee to an individual to act as the individual's designated caregiver or for a service
that the designated caregiver provides in relation to the role as a designated caregiver; and
- 1861 (d) may accept reimbursement from the designating medical cannabis cardholder for direct costs
the designated caregiver incurs for assisting with the designating cardholder's medicinal use of
cannabis.
- 1864 (3)
- (a) The department shall:
- 1865 (i) within 15 days after the day on which an individual submits an application in compliance with
this section, issue a medical cannabis card to the applicant if the applicant:
- 1868 (A) is designated as a caregiver under Subsection (1);
1869 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1870 (C) complies with this section; and
- 1871 (ii) notify the Department of Public Safety of each individual that the department registers as a
designated caregiver.
- 1873

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

1875 ~~[(e)]~~ (b) If a ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or
medical cannabis guardian cardholder designates an individual as a caregiver who already holds a
medical cannabis caregiver card, the individual with the medical cannabis caregiver card:

1879 (i) shall report to the department the information required of applicants under Subsection (5)(b)
regarding the new designation;

1881 (ii) if the individual makes the report described in Subsection ~~[(3)(c)(i)]~~ (3)(b)(i), is not required to file
an application for another medical cannabis caregiver card;

1883 {~~(iii)~~} and

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

1885 ~~[(iv) is not subject to an additional background check.]~~

1886 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1887 (a) is at least 21 years old;

1888 (b) is a Utah resident;

1889 {~~(c)~~} and

1931 (c) ~~[pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5), the department~~
~~sets in accordance with Section 63J-1-504, plus the cost of the criminal background check described~~
~~in Section 26B-4-215; and]~~ signs an attestation under penalty of perjury that the individual is
eligible for a medical cannabis caregiver card under Section 26B-4-246.

1892 (d) signs an acknowledgment stating that the applicant received the information described in Subsection
26B-4-213(9).

1894 (5) An eligible applicant for a medical cannabis caregiver card shall:

1895 (a) submit an application for a medical cannabis caregiver card to the department through an electronic
application connected to the state electronic verification system; and

1898 (b) submit the following information in the application described in Subsection (5)(a):

1899 (i) the applicant's name, gender, age, and address;

1900 (ii) the name, gender, age, and address of the ~~[cardholder described in Section 26B-4-213]~~ medical
cannabis patient cardholder or medical cannabis guardian cardholder who designated the applicant;

1903

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(iii) if a medical cannabis guardian cardholder designated the caregiver, the name, gender, and age of the minor receiving a medical cannabis treatment in relation to the medical cannabis guardian cardholder; and

1906 (iv) any additional information that the department requests to assist in matching the application with the designating medical cannabis patient.

1908 (6) ~~[Except as provided in Subsection (6)(b), a-]~~ A medical cannabis caregiver card that the department issues under this section is valid for the lesser of:

1910 (a) an amount of time that the ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical cannabis guardian cardholder who designated the caregiver determines; or

1913 (b) the amount of time remaining before the card of the ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical cannabis guardian cardholder expires.

1916 (7)

(a) If a designated caregiver meets the requirements of Subsection (4), the designated caregiver's medical cannabis caregiver card renews automatically at the time the ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical cannabis guardian cardholder who designated the caregiver:

1920 (i) renews the cardholder's card; and

1921 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1922 (b) The department shall provide a method in the card renewal process to allow a ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical cannabis guardian cardholder who has designated a caregiver to:

1925 (i) signify that the cardholder renews the caregiver's designation;

1926 (ii) remove a caregiver's designation; or

1927 (iii) designate a new caregiver.

1928 (8) The department shall record the issuance or revocation of a medical cannabis card under this section in the controlled substance database.

1974 Section 16. Section 16 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 cannabis cardholders for purchasing medical cannabis or a medical cannabis device.

1978

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(2) Subject to available funds, the contracted nonprofit entity may provide monthly \$150 vouchers to a medical cannabis pharmacy for purchasing products in accordance with 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 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 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.**

1932 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed July 1, [2026] 2027.

1934 (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed November 30, 2027.

1997 Section 18. **Repealer.**

This Bill Repeals:

1998 This bill repeals:

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

2000 Section 19. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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