Medical Cannabis Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- exempts medical cannabis processors from obtaining an additional license to process cannabinoid (hemp) products;
- creates a fee on medical cannabis purchases for use in enforcement of various laws;
- renames the Cannabis Production Establishment and Pharmacy Licensing Advisory Board to the Specialized Product Authority Licensing Board (licensing board);
- reconstitutes the licensing board's membership;
- amends provisions related to labeling and packaging;
- modifies the licensing board's duties;
- moves control of the Qualified Patient Enterprise Fund to the Department of Agriculture and Food;
- allows medical cannabis processors to make cannabis products with a THC content below .3% (low THC products);
- allows medical cannabis pharmacies to sell low THC products; and
- allows any patient to obtain a medical cannabis patient card from a recommending medical provider through a virtual visit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-41-103.2, as last amended by Laws of Utah 2025, Chapter 114

4-41a-102, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

H.B. 389

4-41a-104, as last amended by Coordination Clause, Laws of Utah 2023, Chapter 307 and enacted by Laws of Utah 2018, Third Special Session, Chapter 1
4-41a-201.1, as last amended by Laws of Utah 2025, Chapter 414
4-41a-602, as last amended by Laws of Utah 2025, Chapter 392
26B-4-201, as last amended by Laws of Utah 2025, Chapter 392
26B-4-213, as last amended by Laws of Utah 2025, Chapter 392
26B-4-214, as last amended by Laws of Utah 2025, Chapter 392
26B-4-219, as last amended by Laws of Utah 2025, Chapter 414
26B-4-222, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

RENUMBERS AND AMENDS:

4-41a-104.1, (Renumbered from 26B-1-310, as last amended by Laws of Utah 2025, First Special Session, Chapter 9)

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

Section 1. Section **4-41-103.2** is amended to read:

4-41-103.2 . Cannabinoid processor license.

(1) The department or a licensee of the department may process a cannabinoid product.

(2) A person seeking a cannabinoid processor license shall provide to the department:

(a) the legal description and global positioning coordinates sufficient for locating the facility the person uses to process industrial hemp; and

(b) written consent allowing a representative of the department and local law enforcement to enter all premises where the person processes or stores industrial hemp for the purpose of:

(i) conducting a physical inspection; or

(ii) ensuring compliance with the requirements of this chapter.

(3) The department may set a fee in accordance with Subsection 4-2-103(2) for the application for a cannabinoid processor license.

(4) A licensee may only market a cannabinoid product that the licensee processes.

(5)(a) An applicant for a cannabinoid processor license shall:

(i) be at least 18 years old; and

(ii) submit a nationwide criminal history from the Federal Bureau of Investigation to the department.

(b) The department shall reject an individual's application for a cannabinoid processor license if the criminal history described in Subsection (5)(a)(ii) was not completed in

the previous 90 days before the day the applicant submits the license application to the department.

(6) An applicant is not eligible to receive a cannabinoid processor license if the applicant has:

(a) been convicted of a felony; or

(b) been convicted of a drug-related misdemeanor within the previous 10 years.

(7) A person licensed under Section 4-41a-201 as a cannabis processing facility as defined in Section 4-41a-102 may produce a cannabinoid product that complies with the requirements of this chapter without obtaining a license under this section.

Section 2. Section **4-41a-102** is amended to read:

4-41a-102 . Definitions.

As used in this chapter:

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

(a) pesticides;

(b) heavy metals;

(c) solvents;

(d) microbial life;

(e) artificially derived cannabinoid;

(f) toxins; or

(g) foreign matter.

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

(a) to the public; and

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

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

(4)(a) "Anticompetitive business practice" means any practice that is an illegal anticompetitive activity under Section 76-16-510.

(b) "Anticompetitive business practice" may include:

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

(A) no longer acting independently; or

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

(ii) monopolizing or attempting to monopolize trade by:

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

(B) preventing new entry into the market; or

(iii) other conduct outlined in rule.

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

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

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

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

(6) "Batch" means a quantity of:

(a) cannabis extract produced on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which lots of cannabis are used;

(b) cannabis product produced on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which cannabis extract is used; or

(c) cannabis flower packaged on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which lots of cannabis are being used.

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

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

(9) "Cannabis concentrate" means:

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

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

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

(11) "Cannabis cultivation facility" means a person that:

(a) possesses cannabis;

(b) grows or intends to grow cannabis; and

(c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

(12) "Cannabis cultivation facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis cultivation facility designation.

(13) "Cannabis derivative product" means a product made using cannabis concentrate.

(14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in a form that is recognizable as a portion of a cannabis plant.

(15) "Cannabis processing facility" means a person that:

(a) acquires or intends to acquire cannabis from a cannabis production establishment;

(b) possesses cannabis with the intent to manufacture a cannabis product;

(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

(16) "Cannabis processing facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis processing facility designation.

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

(18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

(19) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

(20) "Cannabis production establishment agent registration card" means a registration card that the department issues that:

(a) authorizes an individual to act as a cannabis production establishment agent; and

(b) designates the type of cannabis production establishment for which an individual is authorized to act as an agent.

(21) "Closed-door medical cannabis pharmacy" means a facility operated by a home delivery medical cannabis pharmacy for delivering medical cannabis.

(22) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.

(23) "Cultivation space" means, quantified in square feet, the horizontal area in which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area

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

(24) "Delivery address" means:

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

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

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

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

(B) is not a community location; or

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

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

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

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

(28) "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.

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

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

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

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

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

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

(32) "Licensing board" or "board" means the [~~Cannabis Production Establishment and Pharmacy Licensing Advisory~~] Specialized Product Authority Licensing Board created in Section 4-41a-201.1.

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

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

(35) "Medical cannabis courier" means a courier that:

(a) the department licenses in accordance with Section 4-41a-1201; and

(b) contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments to fulfill electronic orders.

(36) "Medical cannabis courier agent" means an individual who:

(a) is an employee of a medical cannabis courier; and

(b) who holds a valid medical cannabis courier agent registration card.

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

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

(39) "Medical cannabis research license" means a license that the department issues to a research university for the purpose of obtaining and possessing medical cannabis for academic research.

(40) "Medical cannabis research licensee" means a research university that the department licenses to obtain and possess medical cannabis for academic research, in accordance with Section 4-41a-901.

(41) "Medical cannabis shipment" means a shipment of medical cannabis that a home delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis order.

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

(43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.

(44) "Patient product information insert" means the same as that term is defined in Section 26B-4-201.

(45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of medical cannabis pharmacy licenses issued by the department rounded down to the nearest whole number.

(46) "Pharmacy medical provider" means the same as that term is defined in Section 26B-4-201.

(47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.

(48) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.

(49) "Research university" means the same as that term is defined in Section 53H-8-202 and a private, nonprofit college or university in the state that:

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

(b) grants doctoral degrees; and

(c) has a laboratory containing or a program researching a schedule I controlled substance described in Section 58-37-4.

(50) "State electronic verification system" means the system described in Section 26B-4-202.

(51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis brand, or a medical cannabis device using any of the following methods:

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

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

(i) held inside a medical cannabis pharmacy; and

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

(c) other marketing material that is physically available or digitally displayed in a medical cannabis pharmacy; or

(d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is provided to an individual when obtaining medical cannabis:

(i) in the medical cannabis pharmacy;

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

(iii) in a medical cannabis shipment.

(52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section 4-41-102.

(53) "Tier one cannabis processing facility" means a cannabis processing facility that is able to:

(a) create cannabis concentrate;

(b) create cannabis derivative product; and

(c) package and label medical cannabis.

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

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

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

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

Section 3. Section **4-41a-104** is amended to read:

4-41a-104 . Qualified Production Enterprise Fund -- Creation -- Revenue neutrality.

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

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

(a) money the department deposits into the fund under this chapter;

(b) appropriations the Legislature makes to the fund; [~~and~~]

(c) the interest described in Subsection (3)[~~.~~] ; and

(d) the fee described in Subsection (6).

(3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into the fund.

(4) The department may [~~only~~]use money in the fund to fund the department's implementation of[~~ this chapter.~~] :

(a) this chapter;

(b) Chapter 41, Hemp and Cannabinoid Act; or

(c) Chapter 45, Kratom Consumer Protection Act.

(5) The department shall set fees authorized under this chapter in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement this chapter.

(6) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that the department sets in accordance with Section 63J-1-504.

Section 4. Section **4-41a-104.1**, which is renumbered from Section 26B-1-310 is renumbered and amended to read:

[~~26B-1-310~~] 4-41a-104.1 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality -- Uniform fee.

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

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

(a) money the [~~department~~] Department of Health and Human Services deposits into the fund under [~~Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;

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

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

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

(4) Money deposited into the fund may only be used by:

(a) the department to accomplish the department's responsibilities described in [~~Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;

(b) the Center for Medical Cannabis Research created in Section 53H-4-206 to accomplish the Center for Medical Cannabis Research's responsibilities; and

(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~~] expenses for employing the licensing board.

(5) The department shall set fees authorized under [~~Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis~~] Title 26B, 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~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(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.

Section 5. Section **4-41a-201.1** is amended to read:

4-41a-201.1 . Specialized Product Authority Licensing Board -- Composition -- Duties.

(1) There is created within the department the [~~Cannabis Production Establishment and Pharmacy Licensing Advisory~~] Specialized Product Authority Licensing Board.

(2) The commissioner shall:

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

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

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

(3)(a) [~~Except as provided in Subsection (3)(b), the~~] The licensing board shall consist of [~~the following eight members:~~] three directors.

[~~(i) the following seven voting members whom the commissioner appoints:~~]

[~~(A) one member of the public;~~]

[~~(B) one member with knowledge and experience in the pharmaceutical or nutraceutical manufacturing industry;~~]

[~~(C) one member representing law enforcement;~~]

[~~(D) one member whom an organization representing medical cannabis patients recommends;~~]

[~~(E) a chemist who has experience with cannabis and who is associated with a research university;~~]

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

[~~(G) an accountant; and~~]

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

[~~(b) The commissioner may appoint a ninth member to the licensing board who has a background in the cannabis cultivation and processing industry.~~]

[~~(c) The commissioner or the commissioner's designee shall serve as the chair of the licensing board.~~]

[~~(d)~~] (b) An individual is not eligible for appointment to be a member of the licensing board if the individual:

(i) has any commercial or ownership interest in a cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier;

(ii) has an owner, officer, director, or employee whose family member holds a license or has an ownership interest in a cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier; or

(iii) is employed or contracted to lobby on behalf of any cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier.

(4)[~~(a) Except as provided in Subsection (4)(b), a voting licensing board member shall serve a term of four years, beginning July 1 and ending June 30.~~]

[~~(b) Notwithstanding Subsection (4)(a), for the initial appointments to the licensing board, the commissioner shall stagger the length of the terms of licensing board members to ensure that the commissioner appoints two or three licensing board members every two years.~~]

[~~(c) As a licensing board member's term expires:~~]

[~~(i) the licensing board member is eligible for reappointment; and~~]

[~~(ii) the commissioner shall make an appointment, in accordance with Subsection (2), for the new term before the end of the member's term.~~]

[~~(d) When a vacancy occurs on the licensing board for any reason other than the expiration of a licensing board member's term, the commissioner shall appoint a replacement to the vacant position, in accordance with Subsection (2), for the unexpired term.~~]

[~~(e) In making appointments, the commissioner shall ensure that no two members of the licensing board are employed by or represent the same company or nonprofit organization.~~]

[~~(f) The commissioner may remove a licensing board member for cause, neglect of duty, inefficiency, or malfeasance~~] A director may only be terminated for just cause, including inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, disloyalty to the orders of a superior, misfeasance, malfeasance, or nonfeasance.

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

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

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

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

[~~(i) Section 63A-3-106;~~]

[~~(ii) Section 63A-3-107; and~~]

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

(6) The licensing board shall:

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

(b) review each license application for compliance with:

(i) this chapter; and

(ii) department rules;

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

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

(e) make a determination on each license application.

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

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

(b) changes or adds a location;

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

(d) changes extraction or formulation standard operating procedures;

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

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

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

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

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

(c) the extent to which the pharmacy can increase efficiency and reduce the cost to patients of medical cannabis; and

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

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

(10)(a) The licensing board shall meet as necessary to consider cannabis production establishment, medical cannabis pharmacy, and medical cannabis courier license renewal applications.

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

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

(A) attend in person or electronically; or

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

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

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

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

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

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

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

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

(A) methods and procedures for extraction;

(B) standard operating procedures; and

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

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

(A) product availability, quality, and variety;

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

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

(c) Following consideration of the information provided under Subsection (10)(b), the licensing board may elect to approve, deny, or issue conditional approval of a cannabis production establishment or pharmacy license renewal application.

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

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

(b) In investigating potential anticompetitive business practices under this section, the attorney general may issue civil investigative demands as set forth in Section 76-16-506.

(12) The department shall:

(a) provide staff support for the licensing board;

(b) assist the licensing board in conducting meetings; and

(c) review all submitted applications for completion and accuracy.

(13)(a) The licensing board shall hear all appeals related to administrative action taken under this chapter, Chapter 41, Hemp and Cannabinoid Act, and Chapter 45, Kratom Consumer Protection Act, as an informal proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

(b) The licensing board shall create rules for hearing appeals in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(14) The licensing board in consultation with the Compassionate Use Board described in Section 26B-1-421 shall provide recommendations, if any, to the Medical Cannabis Governance Structure Working Group regarding additional conditions to be added to the qualifying conditions list described in Section 26B-4-203.

(15) For rules made under this chapter, the department shall collaborate with the licensing board when making the rules.

Section 6. Section **4-41a-602** is amended to read:

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

(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:

(a) label the cannabis or cannabis product with a label that:

(i) clearly and unambiguously states that the cannabis product or package contains cannabis;

(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);

(iii) has a unique identification number that:

(A) is connected to the inventory control system; and

(B) identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;

(iv) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;

(v) does not display an image, word, or phrase that the facility knows or should know appeals to children; and

(vi) discloses each active or potentially active ingredient, in order of prominence, and possible allergen; and

(b) package the raw cannabis or cannabis product in a medicinal dosage form in a container that:

(i) is tamper evident and tamper resistant;

(ii) does not appeal to children;

(iii) does not mimic a candy container;

(iv) complies with child-resistant effectiveness standards that the United States Consumer Product Safety Commission establishes;

(v) includes a warning label that states:

(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

(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

(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:

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

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

(2) 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."

(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:

(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

(b) include on the label described in Subsection (1)(a) a warning about the risks of

over-consumption.

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

(a) identifies each artificially derived cannabinoid; and

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

(5)(a) A cannabis processor may not distribute medical cannabis with a label, logo, brand name, or in packaging if the label, logo, brand name, or packaging has not been pre-approved by the department.

(b) If the department has approved a label or packaging, a cannabis processor may change the approved label or packaging and use the changed label or packaging for use with another medical cannabis product without obtaining the department's approval if:

(i) the label or packaging complies with the requirements of this chapter and rules made under this chapter;

(ii) the only change to the label and packaging are changes to one or more of the following:

(A) flavor information;

(B) terpene information; or

(C) cultivar information; and

(iii) no other changes were made to the label or package including graphics, fonts, sizing, or colors.

[~~(5)~~] (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department:

(a) shall make rules to establish:

(i) a standard labeling format that:

(A) complies with the requirements of this section; and

(B) ensures inclusion of a pharmacy label; and

(ii) additional requirements on packaging for cannabis and cannabis products to ensure safety and product quality; and

(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).

Section 7. Section **26B-4-201** is amended to read:

26B-4-201 . Definitions.

As used in this part:

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

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

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

(a) to the public; and

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

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

(5) "Cannabis" means marijuana.

(6) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41a-102.

[~~(6)~~] (7) "Cannabis processing facility" means the same as that term is defined in Section 4-41a-102.

[~~(7)~~] (8) "Cannabis product" means a product that:

(a) is intended for human use; and

(b) contains cannabis or any tetrahydrocannabinol or THC analog in a total concentration of 0.3% or greater on a dry weight basis.

[~~(8)~~] (9) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102.

[~~(9)~~] (10) "Cannabis production establishment agent" means the same as that term is defined in Section 4-41a-102.

[~~(10)~~] (11) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41a-102.

[~~(11)~~] (12) "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.

[~~(12)~~] (13) "Controlled substance database" means the controlled substance database created in Section 58-37f-201.

[~~(13)~~] (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.

[~~(14)~~] (15) "Department" means the Department of Health and Human Services.

[~~(15)~~] (16) "Designated caregiver" means:

(a) an individual:

(i) whom an individual with a medical cannabis patient card or a medical cannabis guardian card designates as the patient's caregiver; and

(ii) who registers with the department under Section 26B-4-214; or

(b)(i) a facility that an individual designates as a designated caregiver in accordance with Subsection 26B-4-214(1)(b); or

(ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).

[~~(16)~~] (17) "Directions of use" means recommended routes of administration for a medical cannabis treatment and suggested usage guidelines.

[~~(17)~~] (18) "Dosing guidelines" means a quantity range and frequency of administration for a recommended treatment of medical cannabis.

[~~(18)~~] (19) "Government issued photo identification" means any of the following forms of identification:

(a) a valid state-issued driver license or identification card;

(b) a valid United States federal-issued photo identification, including:

(i) a United States passport;

(ii) a United States passport card;

(iii) a United States military identification card; or

(iv) a permanent resident card or alien registration receipt card; or

(c) a foreign passport.

[~~(19)~~] (20) "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.

[~~(20)~~] (21) "Inventory control system" means the system described in Section 4-41a-103.

[~~(21)~~] (22) "Legal dosage limit" means an amount that:

(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

(b) may not exceed:

(i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

(ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than 20 grams of active tetrahydrocannabinol.

[~~(22)~~] (23) "Legal use termination date" means a date on the label of a container of unprocessed cannabis flower:

(a) that is 60 days after the date of purchase of the cannabis; and

(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.

(24)(a) "Low THC product" means a product that:

(i) is intended for human use;

(ii) contains cannabis or any tetrahydrocannabinol or THC analog in a total concentration of less than 0.3% on a dry weight basis; and

(iii) is processed by a cannabis processing facility.

(b) "Low THC product" does not include a product registered under Chapter 41, Hemp and Cannabinoid Act.

[~~(23)~~] (25) "Marijuana" means the same as that term is defined in Section 58-37-2.

[~~(24)~~] (26) "Medical cannabis" or "medical cannabis product" means

(a) [~~-~~]cannabis in a medicinal dosage form[~~ or~~] ;

(b) a cannabis product in a medicinal dosage form[~~.~~] ; or

(c) a low THC product in a medicinal dosage form.

[~~(25)~~] (27) "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.

[~~(26)~~] (28) "Medical cannabis cardholder" means:

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

(b) a facility or assigned employee, described in Subsection [~~(15)(b)~~] (16)(b), only:

(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

(ii) while in possession of documentation that establishes:

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

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

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

[~~(27)~~] (29) "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:

(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

(b) is connected to the electronic verification system.

[~~(28)~~] (30) "Medical cannabis courier" means the same as that term is defined in Section 4-41a-102.

[~~(29)~~] (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or inhale medical cannabis.

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

(i) facilitates cannabis combustion; or

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

[~~(30)~~] (32) "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:

(a) the department issues to the parent or legal guardian of a minor with a qualifying condition; and

(b) is connected to the electronic verification system.

[~~(31)~~] (33) "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)~~] (34) "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)~~] (35) "Medical cannabis pharmacy agent" means an individual who holds a valid medical cannabis pharmacy agent registration card issued by the department.

[~~(34)~~] (36) "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)~~] (37) "Medical cannabis shipment" means the same as that term is defined in Section 4-41a-102.

[~~(36)~~] (38) "Medical cannabis treatment" means medical cannabis or a medical cannabis device.

[~~(37)~~] (39)(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;

(K) a suppository preparation; or

(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

(ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

(A) contains cannabis flower in a quantity that varies by no more than 10% from the stated weight at the time of packaging;

(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

(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.

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

(i) the medical cannabis cardholder has recently removed from the container described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii) for use; and

(ii) does not exceed the quantity described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii).

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

(i) any unprocessed cannabis flower outside of the container described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii), except as provided in Subsection [~~(37)(b)~~] (39)(b);

(ii) any unprocessed cannabis flower in a container described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii) after the legal use termination date;

(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;

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

(v) a substance described in Subsection [~~(37)(a)(i)~~] (39)(a)(i) or (ii) if the substance is not measured in grams, milligrams, or milliliters; or

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

[~~(38)~~] (40) "Nonresident patient" means an individual who:

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

(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

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

[~~(39)~~] (41) "Patient product information insert" means a single page document or webpage that contains information about a medical cannabis product regarding:

(a) how to use the product;

(b) common side effects;

(c) serious side effects;

(d) dosage;

(e) contraindications;

(f) safe storage;

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

(h) other information the department deems appropriate in consultation with the cannabis processing facility that created the product.

[~~(40)~~] (42) "Pharmacy medical provider" means the medical provider required to be on site at a medical cannabis pharmacy under Section 26B-4-219.

[~~(41)~~] (43) "Provisional patient card" means a card that:

(a) the department issues to a minor with a qualifying condition for whom:

(i) a recommending medical provider has recommended a medical cannabis treatment; and

(ii) the department issues a medical cannabis guardian card to the minor's parent or legal guardian; and

(b) is connected to the electronic verification system.

[~~(42)~~] (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section [~~26B-1-310~~] 4-41a-104.1.

[~~(43)~~] (45) "Qualifying condition" means a condition described in Section 26B-4-203.

[~~(44)~~] (46) "Recommend" or "recommendation" means, for a recommending medical provider, the act of suggesting the use of medical cannabis treatment, which:

(a) certifies the patient's eligibility for a medical cannabis card; and

(b) may include, at the recommending medical provider's discretion, directions of use, with or without dosing guidelines.

[~~(45)~~] (47) "Recommending medical provider" means an individual who:

(a) meets the recommending qualifications;

(b) completes four hours of continuing medical education specific to medical cannabis through formal or informal sources; and

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

[~~(46)~~] (48) "Recommending qualifications" means that an individual:

(a)(i) has the authority to write a prescription;

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

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

(b) is licensed as:

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

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

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

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

[~~(47)~~] (49) "State electronic verification system" means the system described in Section 26B-4-202.

[~~(48)~~] (50) "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:

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

(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;

(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

(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.

[~~(49)~~] (51) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

[~~(50)~~] (52) "THC analog" means the same as that term is defined in Section 4-41-102.

Section 8. Section **26B-4-213** is amended to read:

26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees -- Studies.

(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 with this section or Section 26B-4-214, the department shall:

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

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

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

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

(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).

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

(A) 60 days; or

(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).

(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.

(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.

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

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

(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;

(ii) the individual is a Utah resident;

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

(iv) the individual signs an acknowledgment stating that the individual received the information described in Subsection (9); and

(v) the individual pays to the department a fee in an amount that, subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with Section 63J-1-504.

(b)(i) An individual is eligible for a medical cannabis guardian card if the individual:

(A) is at least 18 years old;

(B) is a Utah resident;

(C) 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;

(D) the individual signs an acknowledgment stating that the individual received the information described in Subsection (9); and

(E) pays to the department a fee in an amount that, subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(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.

(ii) The department shall notify the Department of Public Safety of each individual that the department registers for a medical cannabis guardian card.

(c)(i) A minor is eligible for a provisional patient card if:

(A) the minor has a qualifying condition;

(B) the minor's recommending medical provider recommends a medical cannabis treatment to address the minor's qualifying condition;

(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.

(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 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and

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

(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).

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

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

(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

(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.

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

(A) ingest or inhale medical cannabis;

(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

(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.

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

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

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

[~~(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;~~]

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

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

[~~(c)~~] (b) A recommending medical provider shall:

(i) before recommending or renewing a recommendation for medical cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(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);

(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

(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

(ii) state in the recommending medical provider's recommendation that the patient:

(A) suffers from a qualifying condition, including the type of qualifying condition; and

(B) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(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:

(i) an amount of time that the recommending medical provider determines; or

(ii) one year from the day the card is issued.

(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.

(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.

(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.

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

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

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

(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.

(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:

(i) subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with Section 63J-1-504; and

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

(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.

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

(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, or a medical cannabis device.

(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, 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 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.

(b) The department may only provide the registration process described in Subsection (11)(a):

(i) to a nonresident patient; and

(ii) for no more than two visitation periods per calendar year of up to 21 calendar days per visitation period.

(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.

(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.

(c) At the time an individual applies for a medical cannabis card, the department shall notify the individual:

(i) of how the individual's information will be used as a cardholder;

(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

(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.

(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.

(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).

(f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of consent:

(i) applies to external research that is initiated after the withdrawal of consent; and

(ii) does not apply to research that was initiated before the withdrawal of consent.

(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.

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

Section 9. Section **26B-4-214** is amended to read:

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

(1)(a) A cardholder described in Section 26B-4-213 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.

(b)(i) A cardholder described in Section 26B-4-213 may designate one of the following types of facilities as one of the caregivers described in Subsection (1)(a):

(A) for a patient or resident, an assisted living facility, as that term is defined in Section 26B-2-201;

(B) for a patient or resident, a nursing care facility, as that term is defined in Section 26B-2-201; or

(C) for a patient, a general acute hospital, as that term is defined in Section 26B-2-201.

(ii) A facility may:

(A) assign one or more employees to assist patients with medical cannabis treatment under the caregiver designation described in this Subsection (1)(b); and

(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.

(iii) The department shall make rules to regulate the practice of facilities and facility employees serving as designated caregivers under this Subsection (1)(b).

(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 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.

(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).

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

(A) 60 days; or

(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.

(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.

(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.

(2) An individual that the department registers as a designated caregiver under this section and a facility described in Subsection (1)(b):

(a) for an individual designated caregiver, may carry a valid medical cannabis caregiver card;

(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;

(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

(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.

(3)(a) The department shall:

(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:

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

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

(C) complies with this section; and

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

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

(c) If a cardholder described in Section 26B-4-213 designates an individual as a caregiver who already holds a medical cannabis caregiver card, the individual with the medical cannabis caregiver card:

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

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

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

(iv) is not subject to an additional background check.

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

(a) is at least 21 years old;

(b) is a Utah resident;

(c) pays to the department a fee in an amount that, subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(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

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

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

(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

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

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

(ii) the name, gender, age, and address of the cardholder described in Section 26B-4-213 who designated the applicant;

(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

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

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

(a) an amount of time that the cardholder described in Section 26B-4-213 who designated the caregiver determines; or

(b) the amount of time remaining before the card of the cardholder described in Section 26B-4-213 expires.

(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 who designated the caregiver:

(i) renews the cardholder's card; and

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

(b) The department shall provide a method in the card renewal process to allow a cardholder described in Section 26B-4-213 who has designated a caregiver to:

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

(ii) remove a caregiver's designation; or

(iii) designate a new caregiver.

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

Section 10. Section **26B-4-219** is amended to read:

26B-4-219 . Pharmacy medical providers -- Registration -- Continuing education.

(1)(a) A medical cannabis pharmacy:

(i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a pharmacy medical provider;

(ii) 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;

(iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i) works onsite during all business hours; and

(iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as the pharmacist-in-charge to oversee the operation of and generally supervise the medical cannabis pharmacy.

(b) The pharmacist-in-charge shall determine which cannabis and cannabis products the medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.

(c) An individual may not serve as a pharmacy medical provider unless the department registers the individual as a pharmacy medical provider in accordance with Subsection (2).

(2)(a) The department shall, within 15 days after the day on which the department receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy medical provider, register and issue a pharmacy medical provider registration card to the prospective pharmacy medical provider if the medical cannabis pharmacy:

(i) provides to the department:

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

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

(C) an acknowledgment that the individual has completed four hours of continuing education related to medical cannabis; and

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

(ii) pays a fee to the department in an amount that, subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with Section 63J-1-504.

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

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

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

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

(b) The department may, in consultation with the Division of Professional Licensing, develop the continuing education described in this Subsection (3).

(c) The continuing education described in this Subsection (3) may discuss:

(i) the provisions of this part;

(ii) general information about medical cannabis under federal and state law;

(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;

(iv) recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, and palliative care; or

(v) best practices for recommending the form and dosage of medical cannabis based on the qualifying condition underlying a medical cannabis recommendation.

(4)(a) A pharmacy medical provider registration card expires two years after the day on

which the department issues or renews the card.

(b) A pharmacy medical provider may renew the provider's registration card if the provider:

(i) is eligible for a pharmacy medical provider 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;

(iii) submits a report detailing the completion of the continuing education requirement described in Subsection (3); and

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

(A) subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(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)(a) Except as provided in Subsection (5)(b), a person may not advertise that the person or another person dispenses medical cannabis.

(b) Notwithstanding Subsection (5)(a) and Section 4-41a-109, a registered pharmacy medical provider may advertise the following:

(i) a green cross;

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

(iii) a scientific study regarding medical cannabis use.

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

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

Section 11. Section **26B-4-222** is amended to read:

26B-4-222 . Report.

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

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

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

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

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

(e) the number of medical cannabis cards revoked;

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

(g) the expenses and revenues of the Qualified Patient Enterprise Fund created in Section [~~26B-1-310~~] 4-41a-104.1.

(2) The report shall include information provided by the Center for Medical Cannabis Research described in Section 53H-4-206.

(3) The department may not include personally identifying information in the report described in this section.

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

Section 12. **Effective Date.**

This bill takes effect on May 6, 2026.