

1 **Cannabinoid Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill amends provisions related to cannabinoid (hemp) products.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of cannabinoid product;
- ▶ amends provisions related to hazardous waste and hemp disposal;
- ▶ requires industrial hemp retailers to check an individual's identification to ensure a purchaser is at least 21 years old;
- ▶ repeals video surveillance requirements; and
- ▶ amends provisions related to unlawful acts.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**4-41-102**, as last amended by Laws of Utah 2025, Chapter 114

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

**4-41-103.3**, as last amended by Laws of Utah 2025, Chapter 114

**4-41-103.4**, as last amended by Laws of Utah 2024, Chapter 35

**4-41-105**, as last amended by Laws of Utah 2025, Chapter 114

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

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

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

29 As used in this chapter:

30 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be

31       injurious to human health, including:

32       (a) pesticides;

33       (b) heavy metals;

34       (c) solvents;

35       (d) microbial life;

36       (e) artificially derived cannabinoids;

37       (f) toxins; or

38       (g) foreign matter.

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

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

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

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

47       (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.

48       (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.

49       (5) "Cannabinoid processor license" means a license that the department issues to a person  
50       for the purpose of processing a cannabinoid product.

51       (6) "Cannabinoid product" means a product that:

52           (a) contains or is represented to contain one or more naturally occurring cannabinoids;

53           (b) contains less than the cannabinoid product THC level, by dry weight;

54           (c) contains a combined amount of total THC and any THC analog that does not exceed  
55           10% of the total cannabinoid content;

56           (d)(i) subject to Subsection (6)(d)(ii), does not exceed a total of THC and any THC  
57           analog that is greater than:

58              [(i)] (A) 5 milligrams per serving; and

59              [(ii)] (B) 150 milligrams per package; [and] or

60              (ii) if required by federal law, does not exceed a total of THC and any THC analog  
61              that is greater than .4 milligrams per package.

62       (e) unless the product is in an oil based suspension, has a serving size that:

63              (i) is an integer; and

64              (ii) is a discrete unit of the cannabinoid product.

65 (7) "Cannabinoid product class" means a group of cannabinoid products that:

66 (a) have all ingredients in common; and

67 (b) are produced by or for the same company.

68 (8) "Cannabinoid product THC level" means a combined concentration of total THC and

69 any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a

70 result within a measurement of uncertainty that includes the combined concentration of

71 0.3%[.] .

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

73 (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as

74 CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.

75 (11) "Hazardous waste laws" means:

76 (a) federal and state laws, rules, and regulations related to hazardous waste;

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

78 (c) Title 19, Chapter 6, Part 5, Solid Waste Management Act.

79 [(11)] (12) "Industrial hemp" means any part of a cannabis plant, whether growing or not,

80 with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

81 [(12)] (13) "Industrial hemp producer registration" means a registration that the department

82 issues to a person for the purpose of processing industrial hemp or an industrial hemp

83 product.

84 [(13)] (14)(a) "Industrial hemp product" means a product made by processing industrial

85 hemp plants or industrial hemp parts.

86 (b) "Industrial hemp product" does not include cannabinoid material or a cannabinoid

87 product.

88 [(14)] (15) "Industrial hemp retailer permit" means a permit that the department issues to a

89 retailer who sells any viable industrial hemp seed or cannabinoid product.

90 [(15)] (16) "Key participant" means any of the following:

91 (a) a licensee;

92 (b) an operation manager;

93 (c) a site manager; or

94 (d) an employee who has access to any industrial hemp material with a THC

95 concentration above 0.3%.

96 [(16)] (17) "Licensee" means a person possessing a cannabinoid processor license that the

97 department issues under this chapter.

98 [(17)] (18) "Newly identified cannabinoid" means a cannabinoid that:

99 (a) is not expressly identified by chemical name or CAS number in this chapter; and  
100 (b) is identified by the department under Section 4-41-405.

101 [(18)] (19) "Non-compliant material" means:

102 (a) a hemp plant that does not comply with this chapter, including a cannabis plant with  
103 a concentration of 0.3% tetrahydrocannabinol or greater by dry weight;  
104 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds the  
105 cannabinoid product THC level; and  
106 (c) a cannabinoid product containing any of the following:  
107 (i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#  
108 54763-99-4;  
109 (ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#  
110 51768-60-6;  
111 (iii) delta-9-tetrahydronannabinol (THC) acetate, the cannabinoid identified as CAS#  
112 23132-17-4;  
113 (iv) delta-8-tetrahydronannabinol (THC) acetate, the cannabinoid identified as CAS#  
114 23050-54-6;  
115 (v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#  
116 36403-91-5; or  
117 (vi) 9(r)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#  
118 36403-90-4.

119 [(19)] (20) "Permittee" means a person possessing a permit that the department issues under  
120 this chapter.

121 [(20)] (21) "Person" means:

122 (a) an individual, partnership, association, firm, trust, limited liability company, or  
123 corporation; and  
124 (b) an agent or employee of an individual, partnership, association, firm, trust, limited  
125 liability company, or corporation.

126 [(21)] (22) "Retailer permittee" means a person possessing an industrial hemp retailer permit  
127 that the department issues under this chapter.

128 [(22)] (23) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the  
129 cannabinoid identified as CAS# 1972-08-3.

130 [(23)] (24)(a) "THC analog" means a substance that is structurally or pharmacologically  
131 substantially similar to, or is represented as being similar to, delta-9-THC.

132 (b) "THC analog" does not include the following substances or the naturally occurring

133 acid forms of the following substances:

134 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;

135 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;

136 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;

137 (iv) cannabidivarol (CBDV), the cannabinoid identified as CAS# 24274-48-4;

138 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;

139 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;

140 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;

141 (viii) cannabinol (CBN), the cannabinoid identified as CAS# 521-35-7;

142 (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or

143 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#  
144 31262-37-0.

145 [~~(24)~~] (25) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol  
146 and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".

147 [~~(25)~~] (26) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined  
148 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC =  
149 delta-9-THC + (THCA x 0.877)".

150 [~~(26)~~] (27) "Transportable industrial hemp concentrate" means any amount of a natural  
151 cannabinoid in a purified state that:

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

154 (b) is derived from a cannabis plant that, based on sampling that was collected no more  
155 than 30 days before the day on which the cannabis plant was harvested, contains a  
156 combined concentration of total THC and any THC analog of less than 0.3% on a dry  
157 weight basis;

158 (c) has a THC and THC analog concentration total that is less than 20% when  
159 concentrated from the cannabis plant to the purified state; and

160 (d) is intended to be processed into a cannabinoid product.

161 Section 2. Section **4-41-103.2** is amended to read:

162 **4-41-103.2 . Cannabinoid processor license.**

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

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

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

167 (b) written consent allowing a representative of the department and local law  
168 enforcement to enter all premises where the person processes or stores industrial  
169 hemp for the purpose of:  
170 (i) conducting a physical inspection; or  
171 (ii) ensuring compliance with the requirements of this chapter.

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

174 (4) A licensee:  
175 (a) may only market a cannabinoid product that the licensee processes[.] ; and  
176 (b) shall dispose of waste and unused material from the production of a cannabinoid  
177 product in accordance with hazardous waste laws.

178 (5)(a) An applicant for a cannabinoid processor license shall:  
179 (i) be at least 18 years old; and  
180 (ii) submit a nationwide criminal history from the Federal Bureau of Investigation to  
181 the department.

182 (b) The department shall reject an individual's application for a cannabinoid processor  
183 license if the criminal history described in Subsection (5)(a)(ii) was not completed in  
184 the previous 90 days before the day the applicant submits the license application to  
185 the department.

186 (6) An applicant is not eligible to receive a cannabinoid processor license if the applicant  
187 has:  
188 (a) been convicted of a felony; or  
189 (b) been convicted of a drug-related misdemeanor within the previous 10 years.

190 Section 3. Section **4-41-103.3** is amended to read:

191 **4-41-103.3 . Industrial hemp retailer permit.**

192 (1) Except as provided in Subsection (5), a retailer permittee of the department may market  
193 or sell a cannabinoid product or a viable industrial hemp seed.

194 (2) A person seeking an industrial hemp retailer permit shall provide to the department:  
195 (a) the name of the person that is seeking to market or sell a cannabinoid product or a  
196 viable industrial hemp seed;  
197 (b) the address of each location where a cannabinoid product or a viable industrial hemp  
198 seed will be sold; and  
199 (c) written consent allowing a representative of the department to enter all premises  
200 where the person is selling a cannabinoid product or a viable industrial hemp seed for

201 the purpose of:

202 (i) conducting a physical inspection; or

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

204 [(3) Beginning January 1, 2026, an industrial hemp retailer permittee shall:]

205 [(a) maintain a video surveillance system that:]

206 [(i) is able to monitor who purchases a cannabinoid product from the permittee;]

207 [(ii) is tamper proof; and]

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

209 [(b) provide the department access to the video surveillance system upon request.]

210 (3) An industrial hemp retailer permittee shall:

211 (a) check the identification of any individual purchasing a cannabinoid product to ensure  
212 the individual is at least 21 years old; and

213 (b) dispose of waste and unused material related to a cannabinoid product in accordance  
214 with hazardous waste laws.

215 (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the  
216 application for an industrial hemp retailer permit.

217 (5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall include  
218 a notice to consumers that the product is hemp and is not cannabis or medical cannabis,  
219 as those terms are defined in Section 26B-4-201.

220 Section 4. Section **4-41-103.4** is amended to read:

221 **4-41-103.4 . Industrial hemp laboratory testing.**

222 [(1) The department or a laboratory contracted with the department may test industrial  
223 hemp and cannabinoid products.]

224 [(2)] The department or a laboratory contracted with the department:

225 (1) may test industrial hemp and cannabinoid products;

226 (2) may dispose of non-compliant material[.] ; and

227 (3) shall dispose of waste and unused material related to a cannabinoid product in  
228 accordance with hazardous waste laws.

229 Section 5. Section **4-41-105** is amended to read:

230 **4-41-105 . Unlawful acts.**

231 (1) It is unlawful for a person to handle, process, or market living industrial hemp plants,  
232 viable hemp seeds, leaf materials, or floral materials derived from industrial hemp  
233 without the appropriate license or permit issued by the department under this chapter.

234 (2)(a) It is unlawful for any person to:

235 (i) distribute, sell, or market a cannabinoid product that is:

236 (A) not registered with the department under Section 4-41-104; or

237 (B) noncompliant material;

238 (ii) except as provided in Subsection (2)(b), transport into or out of the state extracted

239 material or final product that contains 0.3% or more of total THC and any THC

240 analog;

241 (iii) sell or use a cannabinoid product that is:

242 (A) added to a conventional food or beverage, as the department further defines in

243 rules described in Section 4-41-403;

244 (B) marketed or manufactured to be enticing to children, as further defined in

245 rules described in Section 4-41-403; or

246 (C) smokable flower; ~~[or]~~

247 (iv) knowingly or intentionally sell or give a cannabinoid product that contains THC

248 or a THC analog in the course of business to an individual who is not at least 21

249 years old~~[.]~~ ;or

250 (v) delay or deny an inspection authorized under this chapter.

251 (b) A person may transport transportable industrial hemp concentrate if the person:

252 (i) complies with rules created by the department under Section 4-41-103.1 related to

253 transportable industrial hemp concentrate; and

254 (ii)(A) has a cannabinoid processor license; or

255 (B) the equivalent to a cannabinoid processor license from another state.

256 (3) The department may seize and destroy non-compliant material.

257 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or any

258 provision of this title.

259 **Section 6. Effective Date.**

260 This bill takes effect on May 6, 2026.