

Cannabinoid Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

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

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

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

4-41-102 . Definitions.

As used in this chapter:

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

injurious to human health, including:

- (a) pesticides;
- (b) heavy metals;
- (c) solvents;
- (d) microbial life;
- (e) artificially derived cannabinoids;
- (f) toxins; or
- (g) foreign matter.

(2)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substances 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) cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.

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

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

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

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

- (a) contains or is represented to contain one or more naturally occurring cannabinoids;
- (b) contains less than the cannabinoid product THC level, by dry weight;
- (c) contains a combined amount of total THC and any THC analog that does not exceed 10% of the total cannabinoid content;

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

[(+)] (A) 5 milligrams per serving; and

[(+)] (B) 150 milligrams per package; [~~and~~] or

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

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

- (i) is an integer; and
- (ii) is a discrete unit of the cannabinoid product.

- (7) "Cannabinoid product class" means a group of cannabinoid products that:
- (a) have all ingredients in common; and
 - (b) are produced by or for the same company.
- (8) "Cannabinoid product THC level" means a combined concentration of total THC and any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a result within a measurement of uncertainty that includes the combined concentration of 0.3%[-] .
- (9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
- (11) "Hazardous waste laws" means:
- (a) federal and state laws, rules, and regulations related to hazardous waste;
 - (b) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.; and
 - (c) Title 19, Chapter 6, Part 5, Solid Waste Management Act.
- ~~[(11)]~~ (12) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.
- ~~[(12)]~~ (13) "Industrial hemp producer registration" means a registration that the department issues to a person for the purpose of processing industrial hemp or an industrial hemp product.
- ~~[(13)]~~ (14)(a) "Industrial hemp product" means a product made by processing industrial hemp plants or industrial hemp parts.
- (b) "Industrial hemp product" does not include cannabinoid material or a cannabinoid product.
- ~~[(14)]~~ (15) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who sells any viable industrial hemp seed or cannabinoid product.
- ~~[(15)]~~ (16) "Key participant" means any of the following:
- (a) a licensee;
 - (b) an operation manager;
 - (c) a site manager; or
 - (d) an employee who has access to any industrial hemp material with a THC concentration above 0.3%.
- ~~[(16)]~~ (17) "Licensee" means a person possessing a cannabinoid processor license that the department issues under this chapter.
- ~~[(17)]~~ (18) "Newly identified cannabinoid" means a cannabinoid that:

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

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

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

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

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

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

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

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

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

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

acid forms of the following substances:

- (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;
- (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;
- (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;
- (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;
- (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;
- (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;
- (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;
- (viii) cannabinol (CBN), the cannabinoid identified as CAS# 521-35-7;
- (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or
- (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS# 31262-37-0.

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

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

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

- (a) is the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass;
- (b) is derived from a cannabis plant that, based on sampling that was collected no more than 30 days before the day on which the cannabis plant was harvested, contains a combined concentration of total THC and any THC analog of less than 0.3% on a dry weight basis;
- (c) has a THC and THC analog concentration total that is less than 20% when concentrated from the cannabis plant to the purified state; and
- (d) is intended to be processed into a cannabinoid product.

Section 2. 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:

- (a) may only market a cannabinoid product that the licensee processes[-] ; and
- (b) shall dispose of waste and unused material from the production of a cannabinoid product in accordance with hazardous waste laws.

(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.

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

4-41-103.3 . Industrial hemp retailer permit.

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

(2) A person seeking an industrial hemp retailer permit shall provide to the department:

- (a) the name of the person that is seeking to market or sell a cannabinoid product or a viable industrial hemp seed;
- (b) the address of each location where a cannabinoid product or a viable industrial hemp seed will be sold; and
- (c) written consent allowing a representative of the department to enter all premises where the person is selling a cannabinoid product or a viable industrial hemp seed for

the purpose of:

(i) conducting a physical inspection; or

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

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

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

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

~~[(ii) is tamper proof; and]~~

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

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

(3) An industrial hemp retailer permittee shall:

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

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

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

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

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

4-41-103.4 . Industrial hemp laboratory testing.

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

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

(1) may test industrial hemp and cannabinoid products;

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

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

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

4-41-105 . Unlawful acts.

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

(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.