

Medical Cannabis Program Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor:

LONG TITLE**General Description:**

This bill amends provisions related to the medical cannabis program.

Highlighted Provisions:

This bill:

- defines terms;
- amends when the Cannabis Production Establishment and Pharmacy Licensing Advisory Board must meet to review an ownership change application;
- amends provisions related to labeling of cannabis products;
- amends provisions related to cannabis remediation;
- repeals language related to electronic payments;
- enacts provisions related to the safe storage of medical cannabis for medical cannabis deliveries;
- amends provisions related to when a medical cannabis pharmacy agent may access the electronic verification system;
- amends provisions related to acceptable forms of identification;
- amends provisions related to the revocation of certain medical cannabis agent cards;
- allows a medical cannabis guardian card to be issued to the legal guardian of an adult who is incapacitated;
- extends the repeal of the medical cannabis governance structure working group; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

31 **4-41a-501**, as last amended by Laws of Utah 2025, Chapter 114
32 **4-41a-602**, as last amended by Laws of Utah 2025, Chapter 392
33 **4-41a-1001**, as last amended by Laws of Utah 2025, Chapters 114, 277 and 414
34 **4-41a-1101**, as last amended by Laws of Utah 2025, Chapter 392
35 **4-41a-1106**, as last amended by Laws of Utah 2025, Chapter 414
36 **4-41a-1201**, as last amended by Laws of Utah 2025, Chapter 114
37 **4-41a-1204**, as last amended by Laws of Utah 2025, Chapter 414
38 **4-41a-1205**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
39 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
40 Laws of Utah 2023, Chapter 307
41 **26B-1-421**, as last amended by Laws of Utah 2025, Chapter 494
42 **26B-4-201**, as last amended by Laws of Utah 2025, Chapter 392
43 **26B-4-202**, as last amended by Laws of Utah 2025, Chapter 392
44 **26B-4-213**, as last amended by Laws of Utah 2025, Chapter 392
45 **26B-4-214**, as last amended by Laws of Utah 2025, Chapter 392
46 **63I-2-236**, as last amended by Laws of Utah 2025, Chapters 277, 414

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

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

50 **4-41a-201 . Cannabis production establishment -- License.**

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

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

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

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

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

61 (C) timely and objectively evaluate applications;

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

63 (E) select applicants to receive a license.

64 (iii) The department may not issue a license to operate a cannabis production

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

- 99 (B) in or within 600 feet of a district that the relevant municipality or county has
100 zoned as primarily residential.
- 101 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
102 from the nearest entrance to the cannabis production establishment by following
103 the shortest route of ordinary pedestrian travel to the property boundary of the
104 community location or residential area.
- 105 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
106 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not
107 reasonably feasible for the applicant to site the proposed cannabis production
108 establishment without the waiver.
- 109 (iv) An applicant for a license under this section shall provide evidence of
110 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 111 (3) If the licensing board approves an application for a license under this section and
112 Section 4-41a-201.1:
- 113 (a) the applicant shall pay the department an initial license fee in an amount that, subject
114 to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
115 and
- 116 (b) the department shall notify the Department of Public Safety of the license approval
117 and the names of each individual described in Subsection (2)(b)(ii).
- 118 (4)(a) Except as provided in this Subsection (4), a cannabis production establishment
119 shall obtain a separate license for each type of cannabis production establishment and
120 each location of a cannabis production establishment.
- 121 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
122 processing facility license to a person to operate at the same physical location or at
123 separate physical locations.
- 124 (c) A cannabis cultivation facility may operate at two addresses under a single license.
- 125 (d) A tier one cannabis processing facility may operate at a second address under the
126 same tier one license if:
- 127 (i) the second address is co-located at a cannabis cultivation facility operated by the
128 same licensee; and
- 129 (ii) the licensee pays a fee of \$70,000 for the second location.
- 130 (e) An applicant for a tier two cannabis processing facility license that has a cannabis
131 cultivation facility license and intends to process cannabis at the cannabis cultivation
132 facility shall pay a fee of \$25,000 for the tier two cannabis processing facility license.

- (5) If the licensing board receives more than one application for a cannabis production establishment within the same city or town, the licensing board shall consult with the local land use authority before approving any of the applications pertaining to that city or town.
- (6) The licensing board may not issue a license to operate an independent cannabis testing laboratory to a person who:
- (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility;
 - (b) has an owner, officer, director, or employee whose family member holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or
 - (c) proposes to operate the independent cannabis testing laboratory at the same physical location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility.
- (7) The licensing board may not issue a license to operate a cannabis production establishment to an applicant if any individual described in Subsection (2)(b)(ii):
- (a) has been convicted under state or federal law of:
 - (i) a felony in the preceding 10 years; or
 - (ii) after December 3, 2018, a misdemeanor for drug distribution;
 - (b) is younger than 21 years old; or
 - (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- (8)(a) If an applicant for a cannabis production establishment license under this section holds a license under [Title 4,] Chapter 41, Hemp and Cannabinoid Act, the licensing board may not give preference to the applicant based on the applicant's status as a holder of the license.
- (b) If an applicant for a license to operate a cannabis cultivation facility under this section holds a license to operate a medical cannabis pharmacy under this title, the licensing board may give consideration to the applicant based on the applicant's status as a holder of a medical cannabis pharmacy license if:
- (i) the applicant demonstrates that a decrease in costs to patients is more likely to result from the applicant's vertical integration than from a more competitive marketplace; and
 - (ii) the licensing board finds multiple other factors, in addition to the existing license, that support granting the new license.

- 167 (9) The licensing board may revoke a license under this part:
- 168 (a) if the cannabis production establishment does not begin cannabis production
- 169 operations within one year after the day on which the licensing board issues the
- 170 initial license;
- 171 (b) after the third of the same violation of this chapter in any of the licensee's licensed
- 172 cannabis production establishments or medical cannabis pharmacies;
- 173 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
- 174 active, under state or federal law of:
- 175 (i) a felony; or
- 176 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 177 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 178 the time of application, or fails to supplement the information described in
- 179 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 180 submission of the application within 14 calendar days after the licensee receives
- 181 notice of the investigation or adverse action;
- 182 (e) if the cannabis production establishment demonstrates a willful or reckless disregard
- 183 for the requirements of this chapter or the rules the department makes in accordance
- 184 with this chapter;
- 185 (f) if, after a change of ownership described in Subsection (15)(b), the board determines
- 186 that the cannabis production establishment no longer meets the minimum standards
- 187 for licensure and operation of the cannabis production establishment described in this
- 188 chapter;
- 189 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
- 190 laboratory fails to substantially meet the performance standards described in
- 191 Subsection (14)(b); or
- 192 (h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
- 193 board finds that the licensee has participated in an anticompetitive business practice.
- 194 (10)(a) A person who receives a cannabis production establishment license under this
- 195 chapter, if the municipality or county where the licensed cannabis production
- 196 establishment will be located requires a local land use permit, shall submit to the
- 197 licensing board a copy of the licensee's approved application for the land use permit
- 198 within 120 days after the day on which the licensing board issues the license.
- 199 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
- 200 land use permit application in accordance with Subsection (10)(a), the licensing

board may revoke the licensee's license.

(11) The department shall deposit the proceeds of a fee that the department imposes under this section into the Qualified Production Enterprise Fund.

(12) The department shall begin accepting applications under this part on or before January 1, 2020.

(13)(a) The department's authority, and consequently the licensing board's authority, to issue a license under this section is plenary and is not subject to review.

(b) Notwithstanding Subsection [~~(2)(a)(ii)(A)~~] (2)(a)(i), the decision of the department to award a license to an applicant is not subject to:

(i) Title 63G, Chapter 6a, Part 16, Protests; or

(ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

(14)(a) Notwithstanding this section, the department:

(i) may operate or partner with a research university to operate an independent cannabis testing laboratory;

(ii) if the department operates or partners with a research university to operate an independent cannabis testing laboratory, may not cease operating or partnering with a research university to operate the independent cannabis testing laboratory unless:

(A) the department issues at least two licenses to independent cannabis testing laboratories; and

(B) the department has ensured that the licensed independent cannabis testing laboratories have sufficient capacity to provide the testing necessary to support the state's medical cannabis market; and

(iii) after ceasing department or research university operations under Subsection (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

(A) fewer than two licensed independent cannabis testing laboratories are operating; or

(B) the licensed independent cannabis testing laboratories become, in the department's determination, unable to fully meet the market demand for testing.

(b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish performance standards for the operation of an independent cannabis testing laboratory, including deadlines for testing completion.

- 235 (ii) A license that the department issues to an independent cannabis testing laboratory
236 is contingent upon substantial satisfaction of the performance standards described
237 in Subsection (14)(b)(i), as determined by the board.
- 238 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 239 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 240 (i) the cannabis production establishment shall submit a new application described in
241 Subsection (2)(b), subject to Subsection (2)(c);
- 242 (ii) within [30] 60 days of the submission of the application, the board shall:
- 243 (A) conduct the application review described in Section 4-41a-201.1; and
- 244 (B) award a license to the cannabis production establishment for the remainder of
245 the term of the cannabis production establishment's license before the
246 ownership change if the cannabis production establishment meets the minimum
247 standards for licensure and operation of the cannabis production establishment
248 described in this chapter; and
- 249 (iii) if the board approves the license application, notwithstanding Subsection (3), the
250 cannabis production establishment shall pay a license fee that the department sets
251 in accordance with Section 63J-1-504 in an amount that covers the board's cost of
252 conducting the application review.

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

254 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

- 255 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis
256 cultivation facility is not visible from the ground level of the cannabis cultivation facility
257 perimeter.
- 258 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
259 facility's inventory control system to identify:
- 260 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
261 cannabis plant;
- 262 (b) each unique harvest of cannabis plants;
- 263 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
264 cannabis processing facility, or an independent cannabis testing laboratory; and
- 265 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
266 facility disposes.
- 267 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or
268 cannabis plant product before transferring the cannabis biomass from the facility.

(4) A cannabis cultivation facility shall either:

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

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

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

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

(6) The department shall make rules establishing:

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

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

Section 3. 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)(a) [Tø] Except as provided in Subsection (2)(b), to ensure that a cannabis product that a cannabis processing facility processes or produces has a medical rather than recreational disposition, the facility may not produce or process a product whose logo, product name, or brand name includes terms related to recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja," "Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush,"

"frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab,"
"blaze," "toke," or "420."

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

(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) 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)[-] ; and

(c) may make rules to regulate the use of common terms describing a potential physiological effect on medical cannabis labels.

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

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

(1) A person may not:

(a) operate as a medical cannabis pharmacy without a license that the department issues under this part;

(b) obtain a medical cannabis pharmacy license if obtaining the license would cause the person to exceed the pharmacy ownership limit;

(c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the partial ownership share would cause the person to exceed the pharmacy ownership limit; or

(d) enter into any contract or agreement that allows the person to directly or indirectly control the operations of a medical cannabis pharmacy if the person's control of the medical cannabis pharmacy would cause the person to effectively exceed the pharmacy ownership limit.

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

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

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

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

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

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

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

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

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

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

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

(iv) an operating plan that:

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

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

(C) the department approves;

(v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the

- 405 department sets in accordance with Section 63J-1-504; and
- 406 (vi) a description of any investigation or adverse action taken by any licensing
- 407 jurisdiction, government agency, law enforcement agency, or court in any state for
- 408 any violation or detrimental conduct in relation to any of the applicant's
- 409 cannabis-related operations or businesses.
- 410 (c)(i) A person may not locate a medical cannabis pharmacy:
- 411 (A) within 200 feet of a community location; or
- 412 (B) in or within 600 feet of a district that the relevant municipality or county has
- 413 zoned as primarily residential.
- 414 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
- 415 from the nearest entrance to the medical cannabis pharmacy establishment by
- 416 following the shortest route of ordinary pedestrian travel to the property boundary
- 417 of the community location or residential area.
- 418 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
- 419 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
- 420 reasonably feasible for the applicant to site the proposed medical cannabis
- 421 pharmacy without the waiver.
- 422 (iv) An applicant for a license under this section shall provide evidence of
- 423 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 424 (d) The licensing board may not issue a license to an eligible applicant that the
- 425 department has selected to receive a license until the selected eligible applicant
- 426 complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 427 (e) If the licensing board receives more than one application for a medical cannabis
- 428 pharmacy within the same city or town, the department shall consult with the local
- 429 land use authority before approving any of the applications pertaining to that city or
- 430 town.
- 431 (f) In considering the issuance of a medical cannabis pharmacy license under this
- 432 section, the licensing board may consider the extent to which the pharmacy can
- 433 increase efficiency and reduce cost to patients of medical cannabis.
- 434 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under
- 435 this section, the department shall:
- 436 (i) charge the applicant an initial license fee in an amount that, subject to Subsection
- 437 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 438 (ii) notify the Department of Public Safety of the license approval and the names of

- 439 each individual described in Subsection (2)(b)(ii); and
- 440 (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5),
- 441 the department sets in accordance with Section 63J-1-504, for any change in
- 442 location, ownership, or company structure.
- 443 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis
- 444 pharmacy located in a medically underserved area as determined by the federal
- 445 Health Resources and Services Administration shall be 50% less than what is charged
- 446 for other medical cannabis pharmacies.
- 447 (4) The licensing board may not issue a license to operate a medical cannabis pharmacy to
- 448 an applicant if an individual described in Subsection (2)(b)(ii):
- 449 (a) has been convicted under state or federal law of:
- 450 (i) a felony in the preceding 10 years; or
- 451 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 452 (b) is younger than 21 years old; or
- 453 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 454 (5) If an applicant for a medical cannabis pharmacy license under this section holds another
- 455 license under this chapter, the licensing board may not give preference to the applicant
- 456 based on the applicant's status as a holder of the license.
- 457 (6) The licensing board may revoke a license under this part:
- 458 (a) if the medical cannabis pharmacy does not begin operations within one year after the
- 459 day on which the department issues an announcement of the department's intent to
- 460 award a license to the medical cannabis pharmacy;
- 461 (b) after the third of the same violation of this chapter in any of the licensee's licensed
- 462 cannabis production establishments or medical cannabis pharmacies;
- 463 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
- 464 active, under state or federal law of:
- 465 (i) a felony; or
- 466 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 467 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 468 the time of application, or fails to supplement the information described in
- 469 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 470 submission of the application within 14 calendar days after the licensee receives
- 471 notice of the investigation or adverse action;
- 472 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the

- 473 requirements of this chapter or the rules the department makes in accordance with
474 this chapter;
- 475 (f) if, after a change of ownership described in Subsection (10)(c), the department
476 determines that the medical cannabis pharmacy no longer meets the minimum
477 standards for licensure and operation of the medical cannabis pharmacy described in
478 this chapter; or
- 479 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
480 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the licensing
481 board finds that the licensee has participated in anticompetitive business practices.
- 482 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
483 the municipality or county where the licensed medical cannabis pharmacy will be
484 located requires a local land use permit, shall submit to the department a copy of the
485 licensee's approved application for the land use permit within 120 days after the day
486 on which the department issues the license.
- 487 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
488 permit application in accordance with Subsection (7)(a), the department may revoke
489 the licensee's license.
- 490 (8) The department shall deposit the proceeds of a fee imposed by this section into the
491 Qualified Production Enterprise Fund.
- 492 (9)(a) The licensing board's authority to issue a license under this section is plenary and
493 is not subject to review.
- 494 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
495 an applicant is not subject to:
- 496 (i) Title 63G, Chapter 6a, Part 16, Protests; or
497 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 498 (10)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 499 (b) A medical cannabis pharmacy shall report in writing to the department no later than
500 45 business days before the date of any change of ownership of the medical cannabis
501 pharmacy.
- 502 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 503 (i) concurrent with the report described in Subsection (10)(b), the medical cannabis
504 pharmacy shall submit a new application described in Subsection (2)(b), subject to
505 Subsection (2)(c);
- 506 (ii) within [30] 60 days of the submission of the application, the licensing board shall:

- 507 (A) conduct an application review; and
- 508 (B) award a license to the medical cannabis pharmacy for the remainder of the
- 509 term of the medical cannabis pharmacy's license before the ownership change
- 510 if the medical cannabis pharmacy meets the minimum standards for licensure
- 511 and operation of the medical cannabis pharmacy described in this chapter; and
- 512 (iii) if the department approves the license application, notwithstanding Subsection
- 513 (3), the medical cannabis pharmacy shall pay a license fee that the department sets
- 514 in accordance with Section 63J-1-504 in an amount that covers the department's
- 515 cost of conducting the application review.

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

517 **4-41a-1101 . Operating requirements -- General.**

- 518 (1)(a) A medical cannabis pharmacy shall operate:
- 519 (i) at the physical address provided to the department under Section 4-41a-1001; and
- 520 (ii) in accordance with the operating plan provided to the department under Section
- 521 4-41a-1001 and, if applicable, Section 4-41a-1004.
- 522 (b) A medical cannabis pharmacy shall notify the department before a change in the
- 523 medical cannabis pharmacy's physical address or operating plan.
- 524 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 525 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
- 526 (b) except as provided in Subsection (4):
- 527 (i) possesses a valid:
- 528 (A) medical cannabis pharmacy agent registration card;
- 529 (B) pharmacy medical provider registration card; or
- 530 (C) medical cannabis card;
- 531 (ii) is an employee of the department performing an inspection under Section
- 532 4-41a-1103; or
- 533 (iii) is another individual as the department provides.
- 534 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
- 535 years old.
- 536 (4) Notwithstanding Subsection [(2)(a)] (2)(b), a medical cannabis pharmacy may authorize
- 537 an individual who is not a medical cannabis pharmacy agent or pharmacy medical
- 538 provider to access the medical cannabis pharmacy if the medical cannabis pharmacy
- 539 tracks and monitors the individual at all times while the individual is at the medical
- 540 cannabis pharmacy and maintains a record of the individual's access.

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

- (F) directions for use and cautionary statements, if any;
- (G) the amount dispensed and the cannabinoid content;
- (H) the suggested use date;
- (I) for unprocessed cannabis flower, the legal use termination date; and
- (J) any other requirements that the department determines, in consultation with the Division of Professional Licensing and the Board of Pharmacy.
- (ii) A medical cannabis pharmacy is exempt from the requirement to provide the following information under Subsection (9)(b)(i) if the information is already provided on the product label that a cannabis production establishment affixes:
- (A) a unique identification number;
- (B) directions for use and cautionary statements;
- (C) amount and cannabinoid content; and
- (D) a suggested use date.
- (iii) If the size of a medical cannabis container does not allow sufficient space to include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis pharmacy may provide the following information described in Subsection (9)(b)(i) on a supplemental label attached to the container or an informational enclosure that accompanies the container:
- (A) the cannabinoid content;
- (B) the suggested use date; and
- (C) any other requirements that the department determines.
- (iv) A medical cannabis pharmacy may sell medical cannabis to another medical cannabis pharmacy without a label described in Subsection (9)(b)(i).
- (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- (a) upon receipt of an order from a recommending medical provider in accordance with Subsections 26B-4-204(1)(b) and (c):
- (i) for a written order or an electronic order under circumstances that the department determines, contact the recommending medical provider or the recommending medical provider's office to verify the validity of the recommendation; and
- (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to verification under Subsection (10)(a)(i), enter the recommending medical provider's recommendation or renewal, including any associated directions of use, dosing guidelines, or caregiver indication, in the state electronic verification

- 609 system;
- 610 (b) in processing an order for a holder of a conditional medical cannabis card described
- 611 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
- 612 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
- 613 recommending medical provider or the recommending medical provider's office to
- 614 verify the validity of the recommendation before processing the cardholder's order;
- 615 (c) unless the medical cannabis cardholder has had a consultation under Subsection
- 616 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
- 617 purchase of medical cannabis or a medical cannabis device, personal counseling with
- 618 the pharmacy medical provider; and
- 619 (d) provide a telephone number or website by which the cardholder may contact a
- 620 pharmacy medical provider for counseling.
- 621 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
- 622 that allows an individual to deposit unused or excess medical cannabis or cannabis
- 623 residue from a medical cannabis device in a locked box or other secure receptacle
- 624 within the medical cannabis pharmacy.
- 625 (b) A medical cannabis pharmacy with a disposal program described in Subsection
- 626 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
- 627 medical provider can access deposited medical cannabis.
- 628 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 629 (i) rendering the deposited medical cannabis unusable and unrecognizable before
- 630 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 631 (ii) disposing of the deposited medical cannabis in accordance with:
- 632 (A) federal and state law, rules, and regulations related to hazardous waste;
- 633 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 634 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 635 (D) other regulations that the department makes in accordance with Title 63G,
- 636 Chapter 3, Utah Administrative Rulemaking Act.
- 637 (12) A medical cannabis pharmacy:
- 638 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
- 639 Practice Act, as a pharmacy medical provider;
- 640 (b) may employ a physician who has the authority to write a prescription and is licensed
- 641 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 642 Osteopathic Medical Practice Act, as a pharmacy medical provider;

- 643 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
644 onsite during all business hours;
- 645 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
646 pharmacist-in-charge to oversee the operation of and generally supervise the medical
647 cannabis pharmacy;
- 648 (e) shall allow the pharmacist-in-charge to determine which medical cannabis products
649 the medical cannabis pharmacy maintains in the medical cannabis pharmacy's
650 inventory;
- 651 (f) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
652 (i) allow a medical cannabis cardholder located in the pharmacy to view the ~~[baek]~~
653 fact panel of the product when requested; and
654 (ii) beginning July 1, 2025, include a picture of the ~~[baek]~~ fact panel of the product on
655 the medical cannabis pharmacy's website;
- 656 (g) shall maintain a video surveillance system that:
657 (i) tracks all handling of medical cannabis in the pharmacy;
658 (ii) is tamper proof; and
659 (iii) stores a video record for at least 45 days;
- 660 (h) shall provide the department access to the video surveillance system upon request;
- 661 (i) if a patient product information insert is available, shall provide a patient who
662 purchases a medical cannabis product the medical cannabis product's patient product
663 information insert using any of the following methods:
664 (i) a physical document;
665 (ii) an email message;
666 (iii) a text message; or
667 (iv) a quick response code; and
- 668 (j) may not allow a recommending medical provider to recommend medical cannabis as
669 part of an event that:
670 (i) is a temporary gathering, market, clinic, or promotional event;
671 (ii) operates in a temporary tent or structure; and
672 (iii) is held within 500 feet of the medical cannabis pharmacy's property line.
- 673 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
674 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
675 by a medical cannabis pharmacy.

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

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

- (1) An individual may not serve as a medical cannabis pharmacy agent of a medical cannabis pharmacy unless the department registers the individual as a medical cannabis pharmacy agent.
- (2) A recommending medical provider may not act as a medical cannabis pharmacy agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the management or control of a medical cannabis pharmacy.
- (3)(a) The department shall, within 15 days after the day on which the department receives a complete application from a medical cannabis pharmacy on behalf of a prospective medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent registration card to the prospective agent if the medical cannabis pharmacy:
- (i) provides to the department:
 - (A) the prospective agent's name and address;
 - (B) the name and location of the licensed medical cannabis pharmacy where the prospective agent seeks to act as the medical cannabis pharmacy agent; and
 - (C) the submission required under Subsection (3)(b); and
 - (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- (b) Each prospective agent described in Subsection (3)(a) shall:
- (i) submit to the department:
 - (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
 - (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
 - (ii) consent to a fingerprint background check by:
 - (A) the Bureau of Criminal Identification; and
 - (B) the Federal Bureau of Investigation.
- (c) The Bureau of Criminal Identification shall:
- (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

- 711 (ii) report the results of the background check to the department;
- 712 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 713 Subsection (3)(b) for search by future submissions to the local and regional
- 714 criminal records databases, including latent prints;
- 715 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 716 Next Generation Identification System's Rap Back Service for search by future
- 717 submissions to national criminal records databases, including the Next Generation
- 718 Identification System and latent prints; and
- 719 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 720 receives notifications for an individual with whom the department maintains an
- 721 authorizing relationship.
- 722 (d) The department shall:
- 723 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 724 amount that the department sets in accordance with Section 63J-1-504 for the
- 725 services that the Bureau of Criminal Identification or another authorized agency
- 726 provides under this section; and
- 727 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 728 Identification.
- 729 (4) A medical cannabis pharmacy agent shall comply with a certification standard that the
- 730 department develops in collaboration with the Division of Professional Licensing and
- 731 the Board of Pharmacy, or a third-party certification standard that the department
- 732 designates by rule, in collaboration with the Division of Professional Licensing and the
- 733 Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
- 734 Rulemaking Act.
- 735 (5) The department shall ensure that the certification standard described in Subsection (4)
- 736 includes training in:
- 737 (a) Utah medical cannabis law; and
- 738 (b) medical cannabis pharmacy best practices.
- 739 (6) The department [~~may~~] shall revoke the medical cannabis pharmacy agent registration
- 740 card of, or refuse to issue a medical cannabis pharmacy agent registration card to, an
- 741 individual who:
- 742 (a) violates the requirements of this chapter; or
- 743 (b) is convicted under state or federal law of:
- 744 (i) a felony within the preceding 10 years; or

- 745 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 746 (7)(a) A medical cannabis pharmacy agent registration card expires two years after the
747 day on which the department issues or renews the card.
- 748 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
749 agent:
- 750 (i) is eligible for a medical cannabis pharmacy agent registration card under this
751 section;
- 752 (ii) certifies to the department in a renewal application that the information in
753 Subsection (3)(a) is accurate or updates the information; and
- 754 (iii) pays to the department a renewal fee in an amount that:
- 755 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
756 Section 63J-1-504; and
- 757 (B) may not exceed the cost of the relatively lower administrative burden of
758 renewal in comparison to the original application process.
- 759 ~~[(8)(a) As a condition precedent to registration and renewal of a medical cannabis~~
760 ~~pharmacy agent registration card, a medical cannabis pharmacy agent shall:]~~
- 761 ~~[(i) complete at least one hour of continuing education regarding patient privacy and~~
762 ~~federal health information privacy laws that is offered by the department under~~
763 ~~Subsection (8)(b) or an accredited or approved continuing education provider that~~
764 ~~the department recognizes as offering continuing education appropriate for the~~
765 ~~medical cannabis pharmacy practice; and]~~
- 766 ~~[(ii) make a continuing education report to the department in accordance with a~~
767 ~~process that the department establishes by rule, in accordance with Title 63G,~~
768 ~~Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the~~
769 ~~Division of Professional Licensing and the Board of Pharmacy.]~~
- 770 ~~[(b) The department may, in consultation with the Division of Professional Licensing,~~
771 ~~develop the continuing education described in this Subsection (8).]~~
- 772 ~~[(c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each~~
773 ~~medical cannabis pharmacy agent working in the medical cannabis pharmacy who~~
774 ~~has access to the state electronic verification system is in compliance with this~~
775 ~~Subsection (8).]~~
- 776 ~~[(d) A medical cannabis pharmacy agent may not access the electronic verification~~
777 ~~system following the termination of the medical cannabis pharmacy agent's~~
778 ~~employment.]~~

779 [(9)] (8) A medical cannabis pharmacy shall:

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

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

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

784 **4-41a-1201 . Medical cannabis home delivery designation.**

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

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

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

790 [(c) accept payments through:]

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

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

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

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

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

800 (c) the processes of the following to safely and reliably conduct transactions for medical
801 cannabis shipments[;]

802 [(i)] the prospective licensee; and

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

805 (d) the ability of the licensee to comply with the department's rules regarding the secure
806 transportation and delivery of medical cannabis to a medical cannabis cardholder.

807 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that
808 the department designates as a home delivery medical cannabis pharmacy may deliver
809 medical cannabis shipments in accordance with this part.

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

811 **4-41a-1204 . Medical cannabis courier agent -- Background check -- Registration**
812 **card -- Rebuttable presumption.**

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

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

(i) provides to the department:

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

(B) the name and address of the medical cannabis courier;

(C) the name and address of each home delivery medical cannabis pharmacy with which the medical cannabis courier contracts to deliver medical cannabis shipments; and

(D) the submission required under Subsection (2)(b);

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

(A) a felony; or

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

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

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

(i) submit to the department:

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

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

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

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

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

- 847 (iii) maintain a separate file of fingerprints that prospective agents submit under
848 Subsection (2)(b) for search by future submissions to the local and regional
849 criminal records databases, including latent prints;
- 850 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
851 Next Generation Identification System's Rap Back Service for search by future
852 submissions to national criminal records databases, including the Next Generation
853 Identification System and latent prints; and
- 854 (v) establish a privacy risk mitigation strategy to ensure that the department only
855 receives notifications for an individual with whom the department maintains an
856 authorizing relationship.
- 857 (d) The department shall:
- 858 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
859 amount that the department sets in accordance with Section 63J-1-504 for the
860 services that the Bureau of Criminal Identification or another authorized agency
861 provides under this section; and
- 862 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
863 Identification.
- 864 (3)(a) A medical cannabis courier agent shall comply with a certification standard that
865 the department develops, in collaboration with the Division of Professional Licensing
866 and the Board of Pharmacy, or a third-party certification standard that the department
867 designates by rule in collaboration with the Division of Professional Licensing and
868 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
869 Administrative Rulemaking Act.
- 870 (b) The department shall ensure that the certification standard described in Subsection
871 (3)(a) includes training in:
- 872 (i) Utah medical cannabis law;
- 873 (ii) the medical cannabis shipment process; and
- 874 (iii) medical cannabis courier agent best practices.
- 875 (4)(a) A medical cannabis courier agent registration card expires two years after the day
876 on which the department issues or renews the card.
- 877 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:
- 878 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 879 (ii) certifies to the department in a renewal application that the information in
880 Subsection (2)(a) is accurate or updates the information; and

- 881 (iii) pays to the department a renewal fee in an amount that:
- 882 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
- 883 Section 63J-1-504; and
- 884 (B) may not exceed the cost of the relatively lower administrative burden of
- 885 renewal in comparison to the original application process.
- 886 (5) The department [~~may~~] shall revoke or refuse to issue or renew the medical cannabis
- 887 courier agent registration card of an individual who:
- 888 (a) violates the requirements of this chapter; or
- 889 (b) is convicted under state or federal law of:
- 890 (i) a felony within the preceding 10 years; or
- 891 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 892 (6) A medical cannabis courier agent whom the department has registered under this section
- 893 shall carry the agent's medical cannabis courier agent registration card with the agent at
- 894 all times when:
- 895 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
- 896 pharmacy, or a delivery address; and
- 897 (b) the agent is handling a medical cannabis shipment.
- 898 (7) If a medical cannabis courier agent handling a medical cannabis shipment possesses the
- 899 shipment in compliance with Subsection (6):
- 900 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 901 (b) there is no probable cause, based solely on the agent's possession of the medical
- 902 cannabis shipment that the agent is engaging in illegal activity.
- 903 (8)(a) A medical cannabis courier agent who violates Subsection (6) is:
- 904 (i) guilty of an infraction; and
- 905 (ii) subject to a \$100 fine.
- 906 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty
- 907 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
- 908 conduct underlying the violation described in Subsection (8)(a).
- 909 (9) A medical cannabis courier shall:
- 910 (a) maintain a list of employees who have a medical cannabis courier agent card; and
- 911 (b) provide the list to the department upon request.
- 912 Section 9. Section **4-41a-1205** is amended to read:
- 913 **4-41a-1205 . Home delivery of medical cannabis shipments.**
- 914 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical

cannabis courier agent may not deliver a medical cannabis shipment from a home delivery medical cannabis pharmacy unless:

(a) the individual receiving the shipment presents:

(i) a government issued photo identification; and

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

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

(b) the delivery occurs at:

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

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

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

(b) A medical cannabis courier agent may not deliver a medical cannabis shipment on behalf of a medical cannabis courier unless the medical cannabis courier agent is currently employed by the medical cannabis courier.

(c) Before a medical cannabis pharmacy agent or a medical cannabis courier agent distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

(i) verify the shipment information using the state electronic verification system;

(ii) ensure that the individual satisfies the identification requirements in Subsection (1);

(iii) verify that payment is complete; and

(iv) record the completion of the shipment transaction in a manner such that the delivery of the shipment will later be recorded within a reasonable period in the electronic verification system.

(3) [The] When delivering a medical cannabis shipment, a home delivery medical cannabis pharmacy or medical cannabis courier shall:

(a)[(i)] store each medical cannabis shipment in a secure manner until the recipient medical cannabis cardholder receives the shipment or the medical cannabis

courier returns the shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4); ~~and~~

~~[(ii)]~~ (b) use adequate storage or shipping containers and shipping processes to ensure medical cannabis stability and potency and appropriate storage temperatures throughout delivery;

(c) use shipping containers sealed in a manner to detect evidence of opening or tampering;

(d) ensure that only a home delivery medical cannabis pharmacy agent or medical cannabis courier agent is able to access the medical cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

~~[(b)]~~ (e) return any undelivered medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4),~~[after the medical cannabis courier has possessed the shipment for 10 business days]~~ within 14 days from the day the medical cannabis shipment was shipped; and

~~[(e)]~~ (f) return any medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to accept the shipment.

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

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

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

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

- 983 (i) rendering the [shipment] medical cannabis unusable and unrecognizable before
984 transporting the [shipment] medical cannabis from the home delivery medical
985 cannabis pharmacy; and
- 986 (ii) disposing of the [shipment] medical cannabis in accordance with:
- 987 (A) federal and state laws, rules, and regulations related to hazardous waste;
988 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
989 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
990 (D) other regulations that the department makes in accordance with Title 63G,
991 Chapter 3, Utah Administrative Rulemaking Act.

992 Section 10. Section **26B-1-421** is amended to read:

993 **26B-1-421 . Compassionate Use Board.**

- 994 (1) The definitions in Section 26B-4-201 apply to this section.
- 995 (2)(a) The department shall establish a Compassionate Use Board consisting of:
- 996 (i) seven [qualified] recommending medical providers that the executive director
997 appoints with the advice and consent of the Senate:
- 998 (A) who are knowledgeable about the medicinal use of cannabis;
999 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice
1000 Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
1001 (C) who are board certified by the American Board of Medical Specialties or an
1002 American Osteopathic Association Specialty Certifying Board in the specialty
1003 of neurology, pain medicine and pain management, medical oncology,
1004 psychiatry, infectious disease, internal medicine, pediatrics, family medicine,
1005 or gastroenterology; and
- 1006 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
1007 executive director or the director's designee.
- 1008 (b) In appointing the seven [qualified] recommending medical providers described in
1009 Subsection [(2)(a)] (2)(a)(i), the executive director shall ensure that at least two have a
1010 board certification in pediatrics.
- 1011 (3)(a) Of the members of the Compassionate Use Board that the executive director first
1012 appoints:
- 1013 (i) three shall serve an initial term of two years; and
1014 (ii) the remaining members shall serve an initial term of four years.
- 1015 (b) After an initial term described in Subsection (3)(a) expires:
- 1016 (i) each term is four years; and

- 1017 (ii) each board member is eligible for reappointment.
- 1018 (c) A member of the Compassionate Use Board may serve until a successor is appointed.
- 1019 (d) Four members constitute a quorum of the Compassionate Use Board.
- 1020 (4) A member of the Compassionate Use Board may receive:
- 1021 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
- 1022 service; and
- 1023 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
- 1024 Division of Finance in accordance with Section 63A-3-107.
- 1025 (5) The Compassionate Use Board shall:
- 1026 (a) review and recommend for department approval a petition to the board regarding an
- 1027 individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection
- 1028 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical
- 1029 cannabis card to obtain a medical cannabis card for compassionate use, for the
- 1030 standard or a reduced period of validity, if:
- 1031 (i) for an individual who is not otherwise qualified to receive a medical cannabis
- 1032 card, the individual's recommending medical provider is actively treating the
- 1033 individual for an intractable condition that:
- 1034 (A) substantially impairs the individual's quality of life; and
- 1035 (B) has not, in the recommending medical provider's professional opinion,
- 1036 adequately responded to conventional treatments;
- 1037 (ii) the recommending medical provider:
- 1038 (A) recommends that the individual or minor be allowed to use medical cannabis;
- 1039 and
- 1040 (B) provides a letter, relevant treatment history, and notes or copies of progress
- 1041 notes describing relevant treatment history including rationale for considering
- 1042 the use of medical cannabis; and
- 1043 (iii) the Compassionate Use Board determines that:
- 1044 (A) the recommendation of the individual's recommending medical provider is
- 1045 justified; and
- 1046 (B) based on available information, it may be in the best interests of the individual
- 1047 to allow the use of medical cannabis;
- 1048 (b) when a recommending medical provider recommends that an individual described in
- 1049 Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c)
- 1050 be allowed to use a medical cannabis device or medical cannabis to vaporize a

medical cannabis treatment, review and approve or deny the use of the medical cannabis device or medical cannabis;

(c) unless no petitions are pending:

(i) meet to receive or review compassionate use petitions at least quarterly; and

(ii) if there are more petitions than the board can receive or review during the board's regular schedule, as often as necessary;

(d) except as provided in Subsection (6), complete a review of each petition and recommend to the department approval or denial of the applicant for qualification for a medical cannabis card within 90 days after the day on which the board received the petition; and

(e) consult with the department regarding the criteria described in Subsection (6).

(6) The department shall make rules, in consultation with the Compassionate Use Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process and criteria for a petition to the board to automatically qualify for expedited final review and approval or denial by the department in cases where, in the determination of the department and the board:

(a) time is of the essence;

(b) engaging the full review process would be unreasonable in light of the petitioner's physical condition; and

(c) sufficient factors are present regarding the petitioner's safety.

(7)(a)(i) The department shall review:

(A) any compassionate use for which the Compassionate Use Board recommends approval under Subsection (5)(d) to determine whether the board properly exercised the board's discretion under this section; and

(B) any expedited petitions the department receives under the process described in Subsection (6).

(ii) If the department determines that the Compassionate Use Board properly exercised the board's discretion in recommending approval under Subsection (5)(d) or that the expedited petition merits approval based on the criteria established in accordance with Subsection (6), the department shall:

(A) issue the relevant medical cannabis card; and

(B) provide for the renewal of the medical cannabis card in accordance with the recommendation of the recommending medical provider described in Subsection (5)(a).

(b) If the Compassionate Use Board recommends denial under Subsection (5)(d), the individual seeking to obtain a medical cannabis card may petition the department to review the board's decision.

(c) In reviewing the Compassionate Use Board's recommendation for approval or denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall presume the board properly exercised the board's discretion unless the department determines that the board's recommendation was arbitrary or capricious.

(8) Any individually identifiable health information contained in a petition that the Compassionate Use Board or department receives under this section is a protected record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(9) The Compassionate Use Board shall annually report the board's activity to the advisory board.

Section 11. 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 processing facility" means the same as that term is defined in Section 4-41a-102.
- (7) "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) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102.

- 1119 (9) "Cannabis production establishment agent" means the same as that term is defined in
1120 Section 4-41a-102.
- 1121 (10) "Cannabis production establishment agent registration card" means the same as that
1122 term is defined in Section 4-41a-102.
- 1123 (11) "Conditional medical cannabis card" means an electronic medical cannabis card that
1124 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1125 applicant for a medical cannabis card to access medical cannabis during the department's
1126 review of the application.
- 1127 (12) "Controlled substance database" means the controlled substance database created in
1128 Section 58-37f-201.
- 1129 (13) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1130 (14) "Department" means the Department of Health and Human Services.
- 1131 (15) "Designated caregiver" means:
- 1132 (a) an individual:
- 1133 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1134 guardian card designates as the patient's caregiver; and
- 1135 (ii) who registers with the department under Section 26B-4-214; or
- 1136 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1137 with Subsection 26B-4-214(1)(b); or
- 1138 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1139 (16) "Directions of use" means recommended routes of administration for a medical
1140 cannabis treatment and suggested usage guidelines.
- 1141 (17) "Dosing guidelines" means a quantity range and frequency of administration for a
1142 recommended treatment of medical cannabis.
- 1143 (18) "Government issued photo identification" means any of the following forms of
1144 identification:
- 1145 (a) a valid state-issued driver license or identification card;
- 1146 (b) a valid United States federal-issued photo identification, including:
- 1147 (i) a United States passport;
- 1148 (ii) a United States passport card;
- 1149 (iii) a United States military identification card; or
- 1150 (iv) a permanent resident card or alien registration receipt card; [or]
- 1151 (c) a foreign passport[-] ; or
- 1152 (d) a tribal government-issued photo identification.

(19) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a delivery address to fulfill electronic orders.

(20) "Incapacitated" means the same as that term is defined in Section 75-1-201.

~~[(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.

~~[(23)]~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.

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

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

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

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

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

1187 designation.

1188 [(27)] (28) "Medical cannabis caregiver card" means an electronic document that a
1189 cardholder may print or store on an electronic device or a physical card or document that:
1190 (a) the department issues to an individual whom a medical cannabis patient cardholder
1191 or a medical cannabis guardian cardholder designates as a designated caregiver; and
1192 (b) is connected to the electronic verification system.

1193 [(28)] (29) "Medical cannabis courier" means the same as that term is defined in Section
1194 4-41a-102.

1195 [(29)] (30)(a) "Medical cannabis device" means a device that an individual uses to ingest
1196 or inhale medical cannabis.

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

1198 (i) facilitates cannabis combustion; or

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

1200 [(30)] (31) "Medical cannabis guardian card" means an electronic document that a
1201 cardholder may print or store on an electronic device or a physical card or document that:
1202 (a) the department issues to the parent or legal guardian of a minor [~~with a qualifying~~
1203 ~~condition~~] or legal guardian of an incapacitated adult; and
1204 (b) is connected to the electronic verification system.

1205 [(31)] (32) "Medical cannabis patient card" means an electronic document that a cardholder
1206 may print or store on an electronic device or a physical card or document that:
1207 (a) the department issues to an individual with a qualifying condition; and
1208 (b) is connected to the electronic verification system.

1209 [(32)] (33) "Medical cannabis pharmacy" means a person that:
1210 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing
1211 facility or another medical cannabis pharmacy or a medical cannabis device; or
1212 (ii) possesses medical cannabis or a medical cannabis device; and
1213 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1214 cannabis cardholder.

1215 [(33)] (34) "Medical cannabis pharmacy agent" means an individual who holds a valid
1216 medical cannabis pharmacy agent registration card issued by the department.

1217 [(34)] (35) "Medical cannabis pharmacy agent registration card" means a registration card
1218 issued by the department that authorizes an individual to act as a medical cannabis
1219 pharmacy agent.

1220 [(35)] (36) "Medical cannabis shipment" means the same as that term is defined in Section

1221 4-41a-102.

1222 [(36)] (37) "Medical cannabis treatment" means medical cannabis or a medical cannabis
1223 device.

1224 [(37)] (38)(a) "Medicinal dosage form" means:

1225 (i) for processed medical cannabis, the following with a specific and consistent
1226 cannabinoid content:

1227 (A) a tablet;

1228 (B) a capsule;

1229 (C) a concentrated liquid or viscous oil;

1230 (D) a liquid suspension that does not exceed 30 milliliters;

1231 (E) a topical preparation;

1232 (F) a transdermal preparation;

1233 (G) a sublingual preparation;

1234 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1235 rectangular cuboid shape;

1236 (I) a resin or wax;

1237 (J) an aerosol;

1238 (K) a suppository preparation; or

1239 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1240 spherical shape, is homogeneous in color and texture, and each piece is a single
1241 serving; or

1242 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

1243 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1244 the stated weight at the time of packaging;

1245 (B) at any time the medical cannabis cardholder transports or possesses the
1246 container in public, is contained within an opaque bag or box that the medical
1247 cannabis pharmacy provides; and

1248 (C) is labeled with the container's content and weight, the date of purchase, the
1249 legal use termination date, and a barcode that provides information connected
1250 to an inventory control system.

1251 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1252 (i) the medical cannabis cardholder has recently removed from the container
1253 described in Subsection [(37)(a)(ii)] (38)(a)(ii) for use; and

1254 (ii) does not exceed the quantity described in Subsection [(37)(a)(ii)] (38)(a)(ii).

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

(i) any unprocessed cannabis flower outside of the container described in Subsection [

~~(37)(a)(ii)~~ (38)(a)(ii), except as provided in Subsection [~~(37)(b)~~] (38)(b);

(ii) any unprocessed cannabis flower in a container described in Subsection [

~~(37)(a)(ii)~~ (38)(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)~~] (38)(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)]~~ (39) "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)]~~ (40) "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)]~~ (41) "Pharmacy medical provider" means the medical provider required to be on site

at a medical cannabis pharmacy under Section 26B-4-219.

~~[(41)]~~ (42) "Provisional patient card" means a card that:

(a) the department issues to a minor ~~[with a qualifying condition]~~ or incapacitated adult

for whom:

- 1289 (i) a recommending medical provider has recommended a medical cannabis
1290 treatment; and
- 1291 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1292 legal guardian or the incapacitated adult's legal guardian; and
- 1293 (b) is connected to the electronic verification system.
- 1294 ~~[(42)]~~ (43) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
1295 26B-1-310.
- 1296 ~~[(43)]~~ (44) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1297 ~~[(44)]~~ (45) "Recommend" or "recommendation" means, for a recommending medical
1298 provider, the act of suggesting the use of medical cannabis treatment, which:
- 1299 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1300 (b) may include, at the recommending medical provider's discretion, directions of use,
1301 with or without dosing guidelines.
- 1302 ~~[(45)]~~ (46) "Recommending medical provider" means an individual who:
- 1303 (a) meets the recommending qualifications;
- 1304 (b) completes four hours of continuing medical education specific to medical cannabis
1305 through formal or informal sources; and
- 1306 (c) every two years, provides an acknowledgment to the department that the individual
1307 completed four hours of continuing medical education.
- 1308 ~~[(46)]~~ (47) "Recommending qualifications" means that an individual:
- 1309 (a)(i) has the authority to write a prescription;
- 1310 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1311 Controlled Substances Act; and
- 1312 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1313 prescribe a Schedule II controlled substance; and
- 1314 (b) is licensed as:
- 1315 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1316 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1317 Act;
- 1318 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1319 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1320 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1321 ~~[(47)]~~ (48) "State electronic verification system" means the system described in Section
1322 26B-4-202.

1323 [(48)] (49) "Targeted marketing" means the promotion by a recommending medical
1324 provider, medical clinic, or medical office that employs a recommending medical
1325 provider of a medical cannabis recommendation service using any of the following
1326 methods:
1327 (a) electronic communication to an individual who is at least 21 years old and has
1328 requested to receive promotional information;
1329 (b) an in-person marketing event that is held in an area where only an individual who is
1330 at least 21 years old may access the event;
1331 (c) other marketing material that is physically or digitally displayed in the office of the
1332 medical clinic or office that employs a recommending medical provider; or
1333 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that
1334 employs a recommending medical provider shares with an individual who is at least
1335 21 years old.

1336 [(49)] (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
1337 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1338 [(50)] (51) "THC analog" means the same as that term is defined in Section 4-41-102.

1339 Section 12. Section **26B-4-202** is amended to read:

1340 **26B-4-202 . Electronic verification system.**

- 1341 (1) The Department of Agriculture and Food, the department, the Department of Public
1342 Safety, and the Division of Technology Services shall:
- 1343 (a) enter into a memorandum of understanding in order to determine the function and
1344 operation of the state electronic verification system in accordance with Subsection (2);
 - 1345 (b) coordinate with the Division of Purchasing and General Services, under Title 63G,
1346 Chapter 6a, Utah Procurement Code, to develop a request for proposals for a
1347 third-party provider to develop and maintain the state electronic verification system
1348 in coordination with the Division of Technology Services; and
 - 1349 (c) select a third-party provider who:
 - 1350 (i) meets the requirements contained in the request for proposals issued under
1351 Subsection (1)(b); and
 - 1352 (ii) may not have any commercial or ownership interest in a cannabis production
1353 establishment or a medical cannabis pharmacy.
- 1354 (2) The Department of Agriculture and Food, the department, the Department of Public
1355 Safety, and the Division of Technology Services shall ensure that the state electronic
1356 verification system described in Subsection (1):

- 1357 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1358 medical cannabis guardian card, provided that the card may not become active until:
1359 (i) the relevant recommending medical provider completes the associated medical
1360 cannabis recommendation; or
1361 (ii) the medical cannabis pharmacy completes the recording described in [~~Subsection~~
1362 ~~(2)(d)~~] Subsections (2)(d)(ii) and (iii);
- 1363 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1364 cannabis guardian card in accordance with Section 26B-4-213;
- 1365 (c) allows a recommending medical provider, or an employee described in Subsection (3)
1366 acting on behalf of the recommending medical provider, to:
- 1367 (i) access dispensing and card status information regarding a patient:
1368 (A) with whom the recommending medical provider has a provider-patient
1369 relationship; and
1370 (B) for whom the recommending medical provider has recommended or is
1371 considering recommending a medical cannabis card;
- 1372 (ii) electronically recommend treatment with medical cannabis and optionally
1373 recommend dosing guidelines;
- 1374 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1375 or medical cannabis guardian cardholder:
1376 (A) using telehealth services, for the recommending medical provider who
1377 originally recommended a medical cannabis treatment during a face-to-face
1378 visit with the patient; or
1379 (B) during a face-to-face visit with the patient, for a recommending medical
1380 provider who did not originally recommend the medical cannabis treatment
1381 during a face-to-face visit; and
- 1382 (iv) submit an initial application, renewal application, or application payment on
1383 behalf of an individual applying for any of the following:
1384 (A) a medical cannabis patient card;
1385 (B) a medical cannabis guardian card; or
1386 (C) a medical cannabis caregiver card;
- 1387 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1388 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
1389 (i) access the electronic verification system to review the history within the system of
1390 a patient with whom the provider or agent is interacting, limited to read-only

- 1391 access for medical cannabis pharmacy agents unless the medical cannabis
1392 pharmacy's pharmacist in charge authorizes add and edit access;
- 1393 (ii) record a patient's recommendation from a recommending medical provider,
1394 including any directions of use, dosing guidelines, or caregiver indications from
1395 the recommending medical provider;
- 1396 (iii) record a recommending medical provider's renewal of the provider's previous
1397 recommendation; and
- 1398 (iv) submit an initial application, renewal application, or application payment on
1399 behalf of an individual applying for any of the following:
- 1400 (A) a medical cannabis patient card;
- 1401 (B) a medical cannabis guardian card; or
- 1402 (C) a medical cannabis caregiver card;
- 1403 (e) connects with:
- 1404 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1405 time and archive purchases of any medical cannabis or a medical cannabis device,
1406 including:
- 1407 (A) the time and date of each purchase;
- 1408 (B) the quantity and type of medical cannabis or medical cannabis device
1409 purchased;
- 1410 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1411 any medical cannabis courier associated with the medical cannabis or medical
1412 cannabis device; and
- 1413 (D) the personally identifiable information of the medical cannabis cardholder
1414 who made the purchase; and
- 1415 (ii) any commercially available inventory control system that a cannabis production
1416 establishment utilizes in accordance with Section 4-41a-103 to use data that the
1417 Department of Agriculture and Food requires by rule, in accordance with Title
1418 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
1419 tracking system that a licensee uses to track and confirm compliance;
- 1420 (f) provides access to:
- 1421 (i) the department to the extent necessary to carry out the department's functions and
1422 responsibilities under this part;
- 1423 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1424 functions and responsibilities of the Department of Agriculture and Food under

- 1425 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
1426 (iii) the Division of Professional Licensing to the extent necessary to carry out the
1427 functions and responsibilities related to the participation of the following in the
1428 recommendation and dispensing of medical cannabis:
- 1429 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
1430 Act;
 - 1431 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - 1432 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1433 Nurse Practice Act;
 - 1434 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1435 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - 1436 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1437 Assistant Act;
- 1438 (g) communicates dispensing information from a record that a medical cannabis
1439 pharmacy submits to the state electronic verification system under Subsection
1440 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1441 (h) provides access to state or local law enforcement only to verify the validity of an
1442 individual's medical cannabis card for the administration of criminal justice and
1443 through a database used by law enforcement; and
- 1444 (i) creates a record each time a person accesses the system that identifies the person who
1445 accesses the system and the individual whose records the person accesses.
- 1446 (3)(a) An employee of a recommending medical provider may access the electronic
1447 verification system for a purpose described in Subsection (2)(c) on behalf of the
1448 recommending medical provider if:
- 1449 (i) the recommending medical provider has designated the employee as an individual
1450 authorized to access the electronic verification system on behalf of the
1451 recommending medical provider;
 - 1452 (ii) the recommending medical provider provides written notice to the department of
1453 the employee's identity and the designation described in Subsection (3)(a)(i); and
 - 1454 (iii) the department grants to the employee access to the electronic verification
1455 system.
- 1456 (b) An employee of a business that employs a recommending medical provider may
1457 access the electronic verification system for a purpose described in Subsection (2)(c)
1458 on behalf of the recommending medical provider if:

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

(c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall complete at least one hour of education regarding health information privacy laws that is offered by the department or an accredited or approved education provider that the department recognizes before the department may grant the employee access to the electronic verification system.

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

- (i) the pharmacist-in-charge has designated the agent as an individual authorized to access the electronic verification system;
- (ii) the agent completes continuing education regarding health information privacy laws that is offered by the department or an accredited or approved education provider that the department recognizes;
- (iii) the agent has completed the training described in Subsection (4)(a)(ii) within the previous two years; and
- (iv) the department grants to the agent access to the electronic verification system.

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

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

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

- (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
- (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

1493 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1494 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1495 Assistant Act.

1496 (b) A prescribing provider may access information in the electronic verification system
1497 regarding a patient the prescribing provider treats.

1498 ~~[(5)]~~ (6) The department may release limited data that the system collects for the purpose of:

1499 (a) conducting medical and other department approved research;

1500 (b) providing the report required by Section 26B-4-222; and

1501 (c) other official department purposes.

1502 ~~[(6)]~~ (7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1503 Administrative Rulemaking Act, to establish:

1504 (a) the limitations on access to the data in the state electronic verification system as
1505 described in this section; and

1506 (b) standards and procedures to ensure accurate identification of an individual requesting
1507 information or receiving information in this section.

1508 ~~[(7)]~~ (8) Any person who negligently or recklessly releases any information in the state
1509 electronic verification system in violation of this section is guilty of a class C
1510 misdemeanor.

1511 ~~[(8)]~~ (9) Any person who obtains or attempts to obtain information from the state electronic
1512 verification system by misrepresentation or fraud is guilty of a third degree felony.

1513 ~~[(9)]~~ (10)(a) Except as provided in ~~[Subsections (9)(e) and]~~ Subsection (9)(e) and
1514 Subsection (11), a person may not knowingly and intentionally use, release, publish,
1515 or otherwise make available to any other person information obtained from the state
1516 electronic verification system for any purpose other than a purpose specified in this
1517 section.

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

1519 (i) a third degree felony; and

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

1521 ~~[(e) A law enforcement officer who uses the database used by law enforcement to access~~
1522 ~~information in the electronic verification system for a reason that is not the~~
1523 ~~administration of criminal justice is guilty of a class B misdemeanor.]~~

1524 ~~[(d)]~~ (c) The department shall determine a civil violation of this Subsection ~~[(9)]~~ (10) in
1525 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

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

the General Fund.

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

- (i) including the information in the person's medical chart or file for access by a person authorized to review the medical chart or file;
- (ii) providing the information to a person in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996; or
- (iii) discussing or sharing that information about the patient with the patient.

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

Section 13. 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~~[:]~~ issue the appropriate card to the individual for which the individual applied.

~~[(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

1561 a medical cannabis card under Subsection (1)(a), denies the patient's medical
1562 cannabis card application, or revokes the conditional medical cannabis card
1563 under Subsection (8).

1564 (iii) The department may issue a conditional medical cannabis card to an individual
1565 applying for a medical cannabis patient card for which approval of the
1566 Compassionate Use Board is not required.

1567 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1568 obligations under law applicable to a holder of the medical cannabis card for
1569 which the individual applies and for which the department issues the conditional
1570 medical cannabis card.

1571 (2)(a) An individual is eligible for a medical cannabis patient card if:

1572 (i)(A) the individual is at least 21 years old; or

1573 (B) the individual is 18, 19, or 20 years old, the individual petitions the
1574 Compassionate Use Board under Section 26B-1-421, and the Compassionate
1575 Use Board recommends department approval of the petition;

1576 (ii) the individual is a Utah resident;

1577 (iii) the individual's recommending medical provider recommends treatment with
1578 medical cannabis in accordance with Subsection (4);

1579 (iv) the individual signs an acknowledgment stating that the individual received the
1580 information described in Subsection (9); and

1581 (v) the individual pays to the department a fee in an amount that, subject to
1582 Subsection 26B-1-310(5), the department sets in accordance with Section
1583 63J-1-504.

1584 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:

1585 (A) is at least 18 years old;

1586 (B) is a Utah resident;

1587 (C)(I) is the parent or legal guardian of a minor for whom the minor's
1588 recommending medical provider recommends a medical cannabis treatment,
1589 the individual petitions the Compassionate Use Board under Section
1590 26B-1-421, and the Compassionate Use Board recommends department
1591 approval of the petition; or

1592 (II) is the legal guardian of an incapacitated adult and provides acceptable
1593 proof of guardianship to the department;

1594 (D) the individual signs an acknowledgment stating that the individual received

- 1595 the information described in Subsection (9); and
- 1596 (E) pays to the department a fee in an amount that, subject to Subsection
- 1597 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
- 1598 the cost of the criminal background check described in Section 26B-4-215.
- 1599 (ii) The department shall notify the Department of Public Safety of each individual
- 1600 that the department registers for a medical cannabis guardian card.
- 1601 (c)(i) A minor is eligible for a provisional patient card if:
- 1602 (A) the minor has a qualifying condition;
- 1603 (B) the minor's recommending medical provider recommends a medical cannabis
- 1604 treatment to address the minor's qualifying condition;
- 1605 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
- 1606 Board under Section 26B-1-421, and the Compassionate Use Board
- 1607 recommends department approval of the petition; and
- 1608 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
- 1609 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 1610 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 1611 (ii) The department shall automatically issue a provisional patient card to the minor
- 1612 described in Subsection (2)(c)(i) at the same time the department issues a medical
- 1613 cannabis guardian card to the minor's parent or legal guardian.
- 1614 (d) If the parent or legal guardian [~~of a minor described in Subsections (2)(c)(i)(A)~~
- 1615 ~~through (C)~~] does not qualify for a medical cannabis guardian card under Subsection
- 1616 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
- 1617 with Subsection 26B-4-214(1)(c) [~~to ensure that the minor has adequate and safe~~
- 1618 ~~access to the recommended medical cannabis treatment~~].
- 1619 (e) The department shall issue a provisional patient card to an incapacitated adult if:
- 1620 (i) the incapacitated adult's legal guardian qualifies for a medical cannabis guardian
- 1621 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 1622 who is eligible for a medical cannabis caregiver card under Section 26B-4-214;
- 1623 and
- 1624 (ii) the individual's recommending medical provider recommends treatment with
- 1625 medical cannabis in accordance with Subsection (4).
- 1626 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
- 1627 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- 1628 (i) through an electronic application connected to the state electronic verification

1629 system;

1630 (ii) with the recommending medical provider; and

1631 (iii) with information including:

1632 (A) the applicant's name, gender, age, and address;

1633 (B) the number of the applicant's government issued photo identification;

1634 (C) for a medical cannabis guardian card, the name, gender, and age of the [minor]
1635 individual receiving a medical cannabis treatment under the cardholder's
1636 medical cannabis guardian card; and

1637 (D) for a provisional patient card, the name of the [minor's-]parent or legal
1638 guardian who holds the associated medical cannabis guardian card.

1639 (b)(i) If a recommending medical provider determines that, because of age, illness, or
1640 disability, a medical cannabis patient cardholder requires assistance in
1641 administering the medical cannabis treatment that the recommending medical
1642 provider recommends, the recommending medical provider may indicate the
1643 cardholder's need in the state electronic verification system, either directly or
1644 through the order described in Subsections 26B-4-204(1)(b) and (c).

1645 (ii) If a recommending medical provider makes the indication described in
1646 Subsection (3)(b)(i):

1647 (A) the department shall add a label to the relevant medical cannabis patient card
1648 indicating the cardholder's need for assistance;

1649 (B) any adult who is 18 years old or older and who is physically present with the
1650 cardholder at the time the cardholder needs to use the recommended medical
1651 cannabis treatment may handle the medical cannabis treatment and any
1652 associated medical cannabis device as needed to assist the cardholder in
1653 administering the recommended medical cannabis treatment; and

1654 (C) an individual of any age who is physically present with the cardholder in the
1655 event of an emergency medical condition, as that term is defined in Section
1656 31A-1-301, may handle the medical cannabis treatment and any associated
1657 medical cannabis device as needed to assist the cardholder in administering the
1658 recommended medical cannabis treatment.

1659 (iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may
1660 not:

1661 (A) ingest or inhale medical cannabis;

1662 (B) possess, transport, or handle medical cannabis or a medical cannabis device

outside of the immediate area where the cardholder is present or with an intent other than to provide assistance to the cardholder; or

(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 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) 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~~] medical cannabis.

(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), 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,~~] medical cannabis 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,~~] medical cannabis or a medical cannabis device.

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

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

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

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

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

(ii) the cardholder:

(A) violates this part; or

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

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

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

(a) risks associated with medical cannabis treatment;

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

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

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

- (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow an individual from another state to register with 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 14. 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]~~ medical cannabis patient cardholder or medical cannabis guardian cardholder may designate up to two individuals, or an individual and a facility in accordance with Subsection (1)(b), to serve as a designated caregiver for the cardholder.

(b)(i) A ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or medical cannabis guardian cardholder may designate one of the following types of facilities as one of the caregivers described in Subsection (1)(a):

(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]~~ caregivers for the minor, if the department determines that the parent or legal guardian is not eligible for a medical

cannabis guardian card under Section 26B-4-213.

(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

- 1867 applicant:
- 1868 (A) is designated as a caregiver under Subsection (1);
- 1869 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 1870 (C) complies with this section; and
- 1871 (ii) notify the Department of Public Safety of each individual that the department
- 1872 registers as a designated caregiver.
- 1873 (b) The department shall ensure that a medical cannabis caregiver card contains the
- 1874 information described in Subsections (5)(b) and (3)(c)(i).
- 1875 (c) If a ~~cardholder described in Section 26B-4-213~~ medical cannabis patient cardholder
- 1876 or medical cannabis guardian cardholder designates an individual as a caregiver who
- 1877 already holds a medical cannabis caregiver card, the individual with the medical
- 1878 cannabis caregiver card:
- 1879 (i) shall report to the department the information required of applicants under
- 1880 Subsection (5)(b) regarding the new designation;
- 1881 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
- 1882 to file an application for another medical cannabis caregiver card;
- 1883 (iii) may receive an additional medical cannabis caregiver card in relation to each
- 1884 additional medical cannabis patient who designates the caregiver; and
- 1885 (iv) is not subject to an additional background check.
- 1886 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1887 (a) is at least 21 years old;
- 1888 (b) is a Utah resident;
- 1889 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
- 1890 the department sets in accordance with Section 63J-1-504, plus the cost of the
- 1891 criminal background check described in Section 26B-4-215; and
- 1892 (d) signs an acknowledgment stating that the applicant received the information
- 1893 described in Subsection 26B-4-213(9).
- 1894 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1895 (a) submit an application for a medical cannabis caregiver card to the department
- 1896 through an electronic application connected to the state electronic verification
- 1897 system; and
- 1898 (b) submit the following information in the application described in Subsection (5)(a):
- 1899 (i) the applicant's name, gender, age, and address;
- 1900 (ii) the name, gender, age, and address of the ~~cardholder described in Section~~

- 1901 26B-4-213] medical cannabis patient cardholder or medical cannabis guardian
 1902 cardholder who designated the applicant;
- 1903 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
 1904 gender, and age of the minor receiving a medical cannabis treatment in relation to
 1905 the medical cannabis guardian cardholder; and
- 1906 (iv) any additional information that the department requests to assist in matching the
 1907 application with the designating medical cannabis patient.
- 1908 (6) ~~[Except as provided in Subsection (6)(b), a]~~ A medical cannabis caregiver card that the
 1909 department issues under this section is valid for the lesser of:
- 1910 (a) an amount of time that the ~~[cardholder described in Section 26B-4-213]~~ medical
 1911 cannabis patient cardholder or medical cannabis guardian cardholder who designated
 1912 the caregiver determines; or
- 1913 (b) the amount of time remaining before the card of the ~~[cardholder described in Section~~
 1914 ~~26B-4-213]~~ medical cannabis patient cardholder or medical cannabis guardian
 1915 cardholder expires.
- 1916 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
 1917 caregiver's medical cannabis caregiver card renews automatically at the time the [
 1918 ~~cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or
 1919 medical cannabis guardian cardholder who designated the caregiver:
- 1920 (i) renews the cardholder's card; and
- 1921 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1922 (b) The department shall provide a method in the card renewal process to allow a [
 1923 ~~cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or
 1924 medical cannabis guardian cardholder who has designated a caregiver to:
- 1925 (i) signify that the cardholder renews the caregiver's designation;
- 1926 (ii) remove a caregiver's designation; or
- 1927 (iii) designate a new caregiver.
- 1928 (8) The department shall record the issuance or revocation of a medical cannabis card under
 1929 this section in the controlled substance database.
- 1930 Section 15. Section **63I-2-236** is amended to read:
- 1931 **63I-2-236 . Repeal dates: Title 36.**
- 1932 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
 1933 July 1, [2026] 2027.
- 1934 (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed

1935 November 30, 2027.

1936 Section 16. **Effective Date.**

1937 This bill takes effect on May 6, 2026.