

Evan J. Vickers proposes the following substitute bill:

Medical Cannabis Program Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Walt Brooks

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;
- amends how medical cannabis cardholders may transport medical cannabis;
- enacts provisions related to the safe storage of medical cannabis for medical cannabis deliveries;
- amends provisions related to when a recommending provider employee may access information;
- amends provisions related to the processes of obtaining certain medical cannabis cards;
- 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;
- creates a voucher program for patients to obtain medical cannabis or a medical cannabis device;
- 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

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

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

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

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

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

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

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

4-41a-1205, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

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

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

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

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

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

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

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

ENACTS:

26B-4-248, Utah Code Annotated 1953

REPEALS:

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

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

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

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

(1) Except as provided in Subsection (14), a person may not operate a cannabis production

establishment without a license that the department issues under this chapter.

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

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

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

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

(C) timely and objectively evaluate applications;

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

(E) select applicants to receive a license.

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

(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 each address, located in a zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production establishment;

(ii) the name and address of any individual who has:

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

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

(C) the power to direct or cause the management or control of a proposed cannabis production establishment;

(iii) an operating plan that:

(A) complies with Section 4-41a-204;

(B) includes operating procedures that comply with this chapter and any law the municipality or county in which the person is located adopts that is consistent with Section 4-41a-406; and

(C) the department or licensing board approves;

(iv) a statement that the applicant will obtain and maintain a liquid cash account with a financial institution or a performance bond that a surety authorized to transact

- 97 surety business in the state issues in an amount of at least:
- 98 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;
- 99 or
- 100 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
- 101 laboratory for which the applicant applies;
- 102 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
- 103 department sets in accordance with Section 63J-1-504; and
- 104 (vi) a description of any investigation or adverse action taken by any licensing
- 105 jurisdiction, government agency, law enforcement agency, or court in any state for
- 106 any violation or detrimental conduct in relation to any of the applicant's
- 107 cannabis-related operations or businesses.
- 108 (c)(i) A person may not locate a cannabis production establishment:
- 109 (A) within 1,000 feet of a community location; or
- 110 (B) in or within 600 feet of a district that the relevant municipality or county has
- 111 zoned as primarily residential.
- 112 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
- 113 from the nearest entrance to the cannabis production establishment by following
- 114 the shortest route of ordinary pedestrian travel to the property boundary of the
- 115 community location or residential area.
- 116 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
- 117 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not
- 118 reasonably feasible for the applicant to site the proposed cannabis production
- 119 establishment without the waiver.
- 120 (iv) An applicant for a license under this section shall provide evidence of
- 121 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 122 (3) If the licensing board approves an application for a license under this section and
- 123 Section 4-41a-201.1:
- 124 (a) the applicant shall pay the department an initial license fee in an amount that, subject
- 125 to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 126 and
- 127 (b) the department shall notify the Department of Public Safety of the license approval
- 128 and the names of each individual described in Subsection (2)(b)(ii).
- 129 (4)(a) Except as provided in this Subsection (4), a cannabis production establishment
- 130 shall obtain a separate license for each type of cannabis production establishment and

each location of a cannabis production establishment.

(b) The licensing board may issue a cannabis cultivation facility license and a cannabis processing facility license to a person to operate at the same physical location or at separate physical locations.

(c) A cannabis cultivation facility may operate at two addresses under a single license.

(d) A tier one cannabis processing facility may operate at a second address under the same tier one license if:

(i) the second address is co-located at a cannabis cultivation facility operated by the same licensee; and

(ii) the licensee pays a fee of \$70,000 for the second location.

(e) An applicant for a tier two cannabis processing facility license that has a cannabis cultivation facility license and intends to process cannabis at the cannabis cultivation facility shall pay a fee of \$25,000 for the tier two cannabis processing facility license.

(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.

- 165 (8)(a) If an applicant for a cannabis production establishment license under this section
166 holds a license under [Title 4,] Chapter 41, Hemp and Cannabinoid Act, the licensing
167 board may not give preference to the applicant based on the applicant's status as a
168 holder of the license.
- 169 (b) If an applicant for a license to operate a cannabis cultivation facility under this
170 section holds a license to operate a medical cannabis pharmacy under this title, the
171 licensing board may give consideration to the applicant based on the applicant's
172 status as a holder of a medical cannabis pharmacy license if:
- 173 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
174 result from the applicant's vertical integration than from a more competitive
175 marketplace; and
- 176 (ii) the licensing board finds multiple other factors, in addition to the existing license,
177 that support granting the new license.
- 178 (9) The licensing board may revoke a license under this part:
- 179 (a) if the cannabis production establishment does not begin cannabis production
180 operations within one year after the day on which the licensing board issues the
181 initial license;
- 182 (b) after the third of the same violation of this chapter in any of the licensee's licensed
183 cannabis production establishments or medical cannabis pharmacies;
- 184 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
185 active, under state or federal law of:
- 186 (i) a felony; or
- 187 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 188 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
189 the time of application, or fails to supplement the information described in
190 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
191 submission of the application within 14 calendar days after the licensee receives
192 notice of the investigation or adverse action;
- 193 (e) if the cannabis production establishment demonstrates a willful or reckless disregard
194 for the requirements of this chapter or the rules the department makes in accordance
195 with this chapter;
- 196 (f) if, after a change of ownership described in Subsection (15)(b), the board determines
197 that the cannabis production establishment no longer meets the minimum standards
198 for licensure and operation of the cannabis production establishment described in this

- chapter;
- (g) for an independent cannabis testing laboratory, if the independent cannabis testing laboratory fails to substantially meet the performance standards described in Subsection (14)(b); or
- (h) if, following an investigation conducted ~~[pursuant to]~~ under Subsection 4-41a-201.1(11), the board finds that the licensee has participated in an anticompetitive business practice.
- (10)(a) A person who receives a cannabis production establishment license under this chapter, if the municipality or county where the licensed cannabis production establishment will be located requires a local land use permit, shall submit to the licensing board a copy of the licensee's approved application for the land use permit within 120 days after the day on which the licensing board issues the license.
- (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved land use permit application in accordance with Subsection (10)(a), the licensing board may revoke the licensee's license.
- (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.
- (ii) A license that the department issues to an independent cannabis testing laboratory is contingent upon substantial satisfaction of the performance standards described in Subsection (14)(b)(i), as determined by the board.
- (15)(a) A cannabis production establishment license is not transferrable or assignable.
- (b) If the ownership of a cannabis production establishment changes by 50% or more:
- (i) the cannabis production establishment shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);
- (ii) within [30] 60 days of the submission of the application, the board shall:
- (A) conduct the application review described in Section 4-41a-201.1; and
- (B) award a license to the cannabis production establishment for the remainder of the term of the cannabis production establishment's license before the ownership change if the cannabis production establishment meets the minimum standards for licensure and operation of the cannabis production establishment described in this chapter; and
- (iii) if the board approves the license application, notwithstanding Subsection (3), the cannabis production establishment shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the application review.

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

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

- (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis cultivation facility is not visible from the ground level of the cannabis cultivation facility perimeter.
- (2) A cannabis cultivation facility shall use a unique identifier that is connected to the facility's inventory control system to identify:
- (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each cannabis plant;
 - (b) each unique harvest of cannabis plants;
 - (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a cannabis processing facility, or an independent cannabis testing laboratory; and
 - (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation facility disposes.
- (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or cannabis plant product before transferring the cannabis biomass from the facility.
- (4) A cannabis cultivation facility shall either:
- (a) ensure that a cannabis processing facility chemically or physically processes cannabis cultivation byproduct to produce a cannabis concentrate for incorporation into cannabis derivative products; or
 - (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.
- (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~~ shall 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:

- 301 (i) clearly and unambiguously states that the cannabis product or package contains
302 cannabis;
- 303 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
304 and any known cannabinoid that is greater than 1% of the total cannabinoids
305 contained in the cannabis or cannabis product as determined under Subsection
306 4-41a-701(4);
- 307 (iii) has a unique identification number that:
308 (A) is connected to the inventory control system; and
309 (B) identifies the unique cannabis product manufacturing process the cannabis
310 processing facility used to manufacture the cannabis product;
- 311 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
312 used to create the cannabis product;
- 313 (v) does not display an image, word, or phrase that the facility knows or should know
314 appeals to children; and
- 315 (vi) discloses each active or potentially active ingredient, in order of prominence, and
316 possible allergen; and
- 317 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
318 container that:
319 (i) is tamper evident and tamper resistant;
320 (ii) does not appeal to children;
321 (iii) does not mimic a candy container;
322 (iv) complies with child-resistant effectiveness standards that the United States
323 Consumer Product Safety Commission establishes;
324 (v) includes a warning label that states:
325 (A) for a container labeled on or after January 1, 2024, "WARNING: Cannabis
326 has intoxicating effects, may be addictive, and may increase risk of mental
327 illness. Do not operate a vehicle or machinery under its influence. KEEP OUT
328 OF REACH OF CHILDREN. This product is for medical use only. Use only as
329 directed by a recommending medical provider."; or
330 (B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis
331 use by pregnant or breastfeeding women, may result in fetal injury, preterm
332 birth, or developmental problems for the child. Cannabis may be addictive and
333 may increase risk of mental illness. Do not operate a vehicle or machinery
334 under its influence. KEEP OUT OF REACH OF CHILDREN. This product is

- 335 for medical use only. Use only as directed by a recommending medical
336 provider."; and
- 337 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or
338 after May 3, 2023, includes a warning label that states:
- 339 (A) "WARNING: Vaping of cannabis-derived products has been associated with
340 lung injury."; and
- 341 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung
342 injury.".
- 343 (2)(a) ~~[Tø]~~ Except as provided in Subsection (2)(b), to ensure that a cannabis product
344 that a cannabis processing facility processes or produces has a medical rather than
345 recreational disposition, the facility may not produce or process a product whose
346 logo, product name, or brand name includes terms related to recreational marijuana,
347 including "weed," "pot," "reefer," "grass," "hash," "ganja," "Mary Jane," "high,"
348 "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush,"
349 "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab,"
350 "blaze," "toke," or "420."
- 351 (b) A product name may contain the word "hash."
- 352 (3) For any cannabis or cannabis product that the cannabis processing facility processes into
353 a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
354 cuboid shape, the facility shall:
- 355 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
356 other image of the content of the container; and
- 357 (b) include on the label described in Subsection (1)(a) a warning about the risks of
358 over-consumption.
- 359 (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis
360 processing facility shall ensure that the label clearly:
- 361 (a) identifies each artificially derived cannabinoid; and
- 362 (b) identifies that each artificially derived cannabinoid is an artificially derived
363 cannabinoid.
- 364 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
365 department:
- 366 (a) shall make rules to establish:
- 367 (i) a standard labeling format that:
- 368 (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

- 403 (C) has the power to direct or cause the management or control of a proposed
404 medical cannabis pharmacy;
- 405 (iii) for each application that the applicant submits to the department, a statement
406 from the applicant that the applicant will obtain and maintain:
- 407 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
408 to transact surety business in the state; or
- 409 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 410 (iv) an operating plan that:
- 411 (A) complies with Section 4-41a-1004;
- 412 (B) includes operating procedures to comply with the operating requirements for a
413 medical cannabis pharmacy described in this part and with a relevant municipal
414 or county law that is consistent with Section 4-41a-1106; and
- 415 (C) the department approves;
- 416 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
417 department sets in accordance with Section 63J-1-504; and
- 418 (vi) a description of any investigation or adverse action taken by any licensing
419 jurisdiction, government agency, law enforcement agency, or court in any state for
420 any violation or detrimental conduct in relation to any of the applicant's
421 cannabis-related operations or businesses.
- 422 (c)(i) A person may not locate a medical cannabis pharmacy:
- 423 (A) within 200 feet of a community location; or
- 424 (B) in or within 600 feet of a district that the relevant municipality or county has
425 zoned as primarily residential.
- 426 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
427 from the nearest entrance to the medical cannabis pharmacy establishment by
428 following the shortest route of ordinary pedestrian travel to the property boundary
429 of the community location or residential area.
- 430 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
431 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
432 reasonably feasible for the applicant to site the proposed medical cannabis
433 pharmacy without the waiver.
- 434 (iv) An applicant for a license under this section shall provide evidence of
435 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 436 (d) The licensing board may not issue a license to an eligible applicant that the

- 437 department has selected to receive a license until the selected eligible applicant
438 complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 439 (e) If the licensing board receives more than one application for a medical cannabis
440 pharmacy within the same city or town, the department shall consult with the local
441 land use authority before approving any of the applications pertaining to that city or
442 town.
- 443 (f) In considering the issuance of a medical cannabis pharmacy license under this
444 section, the licensing board may consider the extent to which the pharmacy can
445 increase efficiency and reduce cost to patients of medical cannabis.
- 446 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under
447 this section, the department shall:
- 448 (i) charge the applicant an initial license fee in an amount that, subject to Subsection
449 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 450 (ii) notify the Department of Public Safety of the license approval and the names of
451 each individual described in Subsection (2)(b)(ii); and
- 452 (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5),
453 the department sets in accordance with Section 63J-1-504, for any change in
454 location, ownership, or company structure.
- 455 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis
456 pharmacy located in a medically underserved area as determined by the federal
457 Health Resources and Services Administration shall be 50% less than what is charged
458 for other medical cannabis pharmacies.
- 459 (4) The licensing board may not issue a license to operate a medical cannabis pharmacy to
460 an applicant if an individual described in Subsection (2)(b)(ii):
- 461 (a) has been convicted under state or federal law of:
- 462 (i) a felony in the preceding 10 years; or
- 463 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 464 (b) is younger than 21 years old; or
- 465 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 466 (5) If an applicant for a medical cannabis pharmacy license under this section holds another
467 license under this chapter, the licensing board may not give preference to the applicant
468 based on the applicant's status as a holder of the license.
- 469 (6) The licensing board may revoke a license under this part:
- 470 (a) if the medical cannabis pharmacy does not begin operations within one year after the

- 471 day on which the department issues an announcement of the department's intent to
472 award a license to the medical cannabis pharmacy;
- 473 (b) after the third of the same violation of this chapter in any of the licensee's licensed
474 cannabis production establishments or medical cannabis pharmacies;
- 475 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
476 active, under state or federal law of:
- 477 (i) a felony; or
478 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 479 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
480 the time of application, or fails to supplement the information described in
481 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
482 submission of the application within 14 calendar days after the licensee receives
483 notice of the investigation or adverse action;
- 484 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
485 requirements of this chapter or the rules the department makes in accordance with
486 this chapter;
- 487 (f) if, after a change of ownership described in Subsection (10)(c), the department
488 determines that the medical cannabis pharmacy no longer meets the minimum
489 standards for licensure and operation of the medical cannabis pharmacy described in
490 this chapter; or
- 491 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
492 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the licensing
493 board finds that the licensee has participated in anticompetitive business practices.
- 494 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
495 the municipality or county where the licensed medical cannabis pharmacy will be
496 located requires a local land use permit, shall submit to the department a copy of the
497 licensee's approved application for the land use permit within 120 days after the day
498 on which the department issues the license.
- 499 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
500 permit application in accordance with Subsection (7)(a), the department may revoke
501 the licensee's license.
- 502 (8) The department shall deposit the proceeds of a fee imposed by this section into the
503 Qualified Production Enterprise Fund.
- 504 (9)(a) The licensing board's authority to issue a license under this section is plenary and

is not subject to review.

(b) Notwithstanding Subsection (2), 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.

(10)(a) A medical cannabis pharmacy license is not transferrable or assignable.

(b) A medical cannabis pharmacy shall report in writing to the department no later than 45 business days before the date of any change of ownership of the medical cannabis pharmacy.

(c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

(i) concurrent with the report described in Subsection (10)(b), the medical cannabis pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);

(ii) within [30] 60 days of the submission of the application, the licensing board shall:

(A) conduct an application review; and

(B) award a license to the medical cannabis pharmacy for the remainder of the term of the medical cannabis pharmacy's license before the ownership change if the medical cannabis pharmacy meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this chapter; and

(iii) if the department approves the license application, notwithstanding Subsection (3), the medical cannabis pharmacy shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the department's cost of conducting the application review.

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

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

(1)(a) A medical cannabis pharmacy shall operate:

(i) at the physical address provided to the department under Section 4-41a-1001; and

(ii) in accordance with the operating plan provided to the department under Section 4-41a-1001 and, if applicable, Section 4-41a-1004.

(b) A medical cannabis pharmacy shall notify the department before a change in the medical cannabis pharmacy's physical address or operating plan.

(2) An individual may not enter a medical cannabis pharmacy unless the individual:

(a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

(b) except as provided in Subsection (4):

- 539 (i) possesses a valid:
- 540 (A) medical cannabis pharmacy agent registration card;
- 541 (B) pharmacy medical provider registration card; or
- 542 (C) medical cannabis card;
- 543 (ii) is an employee of the department performing an inspection under Section
- 544 4-41a-1103; or
- 545 (iii) is another individual as the department provides.
- 546 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
- 547 years old.
- 548 (4) Notwithstanding Subsection [~~(2)(a)~~] (2)(b), a medical cannabis pharmacy may authorize
- 549 an individual who is not a medical cannabis pharmacy agent or pharmacy medical
- 550 provider to access the medical cannabis pharmacy if the medical cannabis pharmacy
- 551 tracks and monitors the individual at all times while the individual is at the medical
- 552 cannabis pharmacy and maintains a record of the individual's access.
- 553 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 554 (a) a single, secure public entrance;
- 555 (b) a security system with a backup power source that:
- 556 (i) detects and records entry into the medical cannabis pharmacy; and
- 557 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 558 cannabis pharmacy is closed; and
- 559 (c) a lock on each area where the medical cannabis pharmacy stores medical cannabis.
- 560 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 561 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 562 4-41a-1102(2).
- 563 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(b), a medical
- 564 cannabis pharmacy may not allow any individual to consume cannabis on the property
- 565 or premises of the medical cannabis pharmacy.
- 566 (8) A medical cannabis pharmacy may not sell medical cannabis without first indicating on
- 567 the medical cannabis label the name of the medical cannabis pharmacy.
- 568 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 569 following information regarding each recommendation underlying a transaction:
- 570 (i) the recommending medical provider's name, address, and telephone number;
- 571 (ii) the patient's name and address;
- 572 (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

- 607 (C) any other requirements that the department determines.
- 608 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
609 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 610 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 611 (a) upon receipt of an order from a recommending medical provider in accordance with
612 Subsections 26B-4-204(1)(b) and (c):
- 613 (i) for a written order or an electronic order under circumstances that the department
614 determines, contact the recommending medical provider or the recommending
615 medical provider's office to verify the validity of the recommendation; and
- 616 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
617 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
618 to verification under Subsection (10)(a)(i), enter the recommending medical
619 provider's recommendation or renewal, including any associated directions of use,
620 dosing guidelines, or caregiver indication, in the state electronic verification
621 system;
- 622 (b) in processing an order for a holder of a conditional medical cannabis card described
623 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
624 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
625 recommending medical provider or the recommending medical provider's office to
626 verify the validity of the recommendation before processing the cardholder's order;
- 627 (c) unless the medical cannabis cardholder has had a consultation under Subsection
628 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
629 purchase of medical cannabis or a medical cannabis device, personal counseling with
630 the pharmacy medical provider; and
- 631 (d) provide a telephone number or website by which the cardholder may contact a
632 pharmacy medical provider for counseling.
- 633 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
634 that allows an individual to deposit unused or excess medical cannabis or cannabis
635 residue from a medical cannabis device in a locked box or other secure receptacle
636 within the medical cannabis pharmacy.
- 637 (b) A medical cannabis pharmacy with a disposal program described in Subsection
638 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
639 medical provider can access deposited medical cannabis.
- 640 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:

- (i) rendering the deposited medical cannabis unusable and unrecognizable before transporting deposited medical cannabis from the medical cannabis pharmacy; and
- (ii) disposing of the deposited medical cannabis in accordance with:
 - (A) federal and state law, rules, and regulations related to hazardous waste;
 - (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
 - (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
 - (D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(12) A medical cannabis pharmacy:

- (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a pharmacy medical provider;
- (b) may employ a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical provider;
- (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works onsite during all business hours;
- (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the pharmacist-in-charge to oversee the operation of and generally supervise the medical cannabis pharmacy;
- (e) shall allow the pharmacist-in-charge to determine which medical cannabis products the medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory;
- (f) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
 - (i) allow a medical cannabis cardholder located in the pharmacy to view the ~~[back]~~ fact panel of the product when requested; and
 - (ii) beginning July 1, 2025, include a picture of the ~~[back]~~ fact panel of the product on the medical cannabis pharmacy's website;
- (g) shall maintain a video surveillance system that:
 - (i) tracks all handling of medical cannabis in the pharmacy;
 - (ii) is tamper proof; and
 - (iii) stores a video record for at least 45 days;
- (h) shall provide the department access to the video surveillance system upon request;
- (i) if a patient product information insert is available, shall provide a patient who purchases a medical cannabis product the medical cannabis product's patient product

information insert using any of the following methods:

(i) a physical document;

(ii) an email message;

(iii) a text message; or

(iv) a quick response code; and

(j) may not allow a recommending medical provider to recommend medical cannabis as part of an event that:

(i) is a temporary gathering, market, clinic, or promotional event;

(ii) operates in a temporary tent or structure; and

(iii) is held within 500 feet of the medical cannabis pharmacy's property line.

(13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products by a medical cannabis pharmacy.

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.

- 709 (b) Each prospective agent described in Subsection (3)(a) shall:
- 710 (i) submit to the department:
- 711 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 712 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 713 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 714 Investigation Next Generation Identification System's Rap Back Service; and
- 715 (ii) consent to a fingerprint background check by:
- 716 (A) the Bureau of Criminal Identification; and
- 717 (B) the Federal Bureau of Investigation.
- 718 (c) The Bureau of Criminal Identification shall:
- 719 (i) check the fingerprints the prospective agent submits under Subsection (3)(b)
- 720 against the applicable state, regional, and national criminal records databases,
- 721 including the Federal Bureau of Investigation Next Generation Identification
- 722 System;
- 723 (ii) report the results of the background check to the department;
- 724 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 725 Subsection (3)(b) for search by future submissions to the local and regional
- 726 criminal records databases, including latent prints;
- 727 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 728 Next Generation Identification System's Rap Back Service for search by future
- 729 submissions to national criminal records databases, including the Next Generation
- 730 Identification System and latent prints; and
- 731 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 732 receives notifications for an individual with whom the department maintains an
- 733 authorizing relationship.
- 734 (d) The department shall:
- 735 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 736 amount that the department sets in accordance with Section 63J-1-504 for the
- 737 services that the Bureau of Criminal Identification or another authorized agency
- 738 provides under this section; and
- 739 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 740 Identification.
- 741 (4) A medical cannabis pharmacy agent shall comply with a certification standard that the
- 742 department develops in collaboration with the Division of Professional Licensing and

the Board of Pharmacy, or a third-party certification standard that the department designates by rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) The department shall ensure that the certification standard described in Subsection (4) includes training in:

- (a) Utah medical cannabis law; and
- (b) medical cannabis pharmacy best practices.

(6) The department ~~[may]~~ shall revoke the medical cannabis pharmacy agent registration card of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual who:

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

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

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

- (i) is eligible for a medical cannabis pharmacy agent registration card under this section;
- (ii) certifies to the department in a renewal application that the information in Subsection (3)(a) is accurate or updates the information; and
- (iii) pays to the department a renewal fee in an amount that:
 - (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
 - (B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

~~[(8)(a) As a condition precedent to registration and renewal of a medical cannabis pharmacy agent registration card, a medical cannabis pharmacy agent shall:]~~

- ~~[(i) complete at least one hour of continuing education regarding patient privacy and federal health information privacy laws that is offered by the department under Subsection (8)(b) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the~~

- 777 ~~medical cannabis pharmacy practice; and]~~
- 778 ~~[(ii) make a continuing education report to the department in accordance with a~~
- 779 ~~process that the department establishes by rule, in accordance with Title 63G,~~
- 780 ~~Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the~~
- 781 ~~Division of Professional Licensing and the Board of Pharmacy.]~~
- 782 ~~[(b) The department may, in consultation with the Division of Professional Licensing,~~
- 783 ~~develop the continuing education described in this Subsection (8).]~~
- 784 ~~[(c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each~~
- 785 ~~medical cannabis pharmacy agent working in the medical cannabis pharmacy who~~
- 786 ~~has access to the state electronic verification system is in compliance with this~~
- 787 ~~Subsection (8).]~~
- 788 ~~[(d) A medical cannabis pharmacy agent may not access the electronic verification~~
- 789 ~~system following the termination of the medical cannabis pharmacy agent's~~
- 790 ~~employment.]~~
- 791 ~~[(9)] (8) A medical cannabis pharmacy shall:~~
- 792 ~~(a) maintain a list of employees that have a medical cannabis pharmacy agent~~
- 793 ~~registration card; and~~
- 794 ~~(b) provide the list to the department upon request.~~
- 795 ~~Section 7. Section 4-41a-1201 is amended to read:~~
- 796 **4-41a-1201 . Medical cannabis home delivery designation.**
- 797 (1) The department may designate a medical cannabis pharmacy as a home delivery
- 798 medical cannabis pharmacy if the department determines that the medical cannabis
- 799 pharmacy's operating plan demonstrates the functional and technical ability to:
- 800 (a) safely conduct transactions for medical cannabis shipments; and
- 801 (b) accept electronic medical cannabis orders[; ~~and~~] .
- 802 ~~[(c) accept payments through:]~~
- 803 ~~[(i) a payment provider that the Division of Finance approves, in consultation with~~
- 804 ~~the state treasurer, in accordance with Section 26-61a-603; or]~~
- 805 ~~[(ii) a financial institution in accordance with Subsection 26-61a-603(4).]~~
- 806 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall
- 807 identify in the applicant's operating plan any information relevant to the department's
- 808 evaluation described in Subsection (1), including:
- 809 (a) the name and contact information of the payment provider;
- 810 (b) the nature of the relationship between the prospective licensee and the payment

811 provider;

812 (c) the processes [~~of the following~~] followed to safely and reliably conduct transactions
813 for medical cannabis shipments[;] .

814 [(i) the prospective licensee; and]

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

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

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

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

823 **4-41a-1204 . Medical cannabis courier agent -- Background check -- Registration**
824 **card -- Rebuttable presumption.**

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

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

831 (i) provides to the department:

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

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

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

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

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

840 (A) a felony; or

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

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

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

- 845 (i) submit to the department:
- 846 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 847 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 848 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 849 Investigation Next Generation Identification System's Rap Back Service; and
- 850 (ii) consent to a fingerprint background check by:
- 851 (A) the Bureau of Criminal Identification; and
- 852 (B) the Federal Bureau of Investigation.
- 853 (c) The Bureau of Criminal Identification shall:
- 854 (i) check the fingerprints the prospective agent submits under Subsection (2)(b)
- 855 against the applicable state, regional, and national criminal records databases,
- 856 including the Federal Bureau of Investigation Next Generation Identification
- 857 System;
- 858 (ii) report the results of the background check to the department;
- 859 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 860 Subsection (2)(b) for search by future submissions to the local and regional
- 861 criminal records databases, including latent prints;
- 862 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 863 Next Generation Identification System's Rap Back Service for search by future
- 864 submissions to national criminal records databases, including the Next Generation
- 865 Identification System and latent prints; and
- 866 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 867 receives notifications for an individual with whom the department maintains an
- 868 authorizing relationship.
- 869 (d) The department shall:
- 870 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
- 871 amount that the department sets in accordance with Section 63J-1-504 for the
- 872 services that the Bureau of Criminal Identification or another authorized agency
- 873 provides under this section; and
- 874 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
- 875 Identification.
- 876 (3)(a) A medical cannabis courier agent shall comply with a certification standard that
- 877 the department develops, in collaboration with the Division of Professional Licensing
- 878 and the Board of Pharmacy, or a third-party certification standard that the department

designates by rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The department shall ensure that the certification standard described in Subsection

(3)(a) includes training in:

(i) Utah medical cannabis law;

(ii) the medical cannabis shipment process; and

(iii) medical cannabis courier agent best practices.

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

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

(i) is eligible for a medical cannabis courier agent registration card under this section;

(ii) certifies to the department in a renewal application that the information in

Subsection (2)(a) is accurate or updates the information; and

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

(A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

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

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

(a) violates the requirements of this chapter; or

(b) is convicted under state or federal law of:

(i) a felony within the preceding 10 years; or

(ii) after December 3, 2018, a misdemeanor for drug distribution.

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

(a) the agent is on the premises of the medical cannabis courier, a medical cannabis pharmacy, or a delivery address; and

(b) the agent is handling a medical cannabis shipment.

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

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

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

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

(i) guilty of an infraction; and

(ii) subject to a \$100 fine.

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

(9) A medical cannabis courier shall:

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

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

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

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

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

(a) the individual receiving the shipment presents:

(i) a government issued photo identification; and

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

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

(b) the delivery occurs at:

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

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

(2)(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]~~

981 before the home delivery medical cannabis pharmacy may repackage the medical
982 cannabis in the returned medical cannabis shipment, the pharmacist at the home
983 delivery medical cannabis pharmacy shall:

- 984 (i) verify that the medical cannabis was returned to the original home delivery
985 medical cannabis pharmacy within 14 days from the day the medical cannabis was
986 shipped; and
987 (ii) determine in the pharmacist's clinical judgment that the medical cannabis's
988 integrity is intact and the security of the drug packaging has not been compromised.

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

- 995 (i) rendering the [shipment] medical cannabis unusable and unrecognizable before
996 transporting the [shipment] medical cannabis from the home delivery medical
997 cannabis pharmacy; and
998 (ii) disposing of the [shipment] medical cannabis in accordance with:
999 (A) federal and state laws, rules, and regulations related to hazardous waste;
1000 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
1001 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
1002 (D) other regulations that the department makes in accordance with Title 63G,
1003 Chapter 3, Utah Administrative Rulemaking Act.

1004 Section 10. Section **26B-1-310** is amended to read:

1005 **26B-1-310 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
1006 **-- Uniform fee.**

- 1007 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
1008 (2) The fund created in this section is funded from:
1009 (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid
1010 Research and Medical Cannabis;
1011 (b) appropriations the Legislature makes to the fund; and
1012 (c) the interest described in Subsection (3).
1013 (3) Interest earned on the fund shall be deposited into the fund.
1014 (4) Money deposited into the fund may only be used by:

- (a) the department to accomplish the department's responsibilities described in Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
- (b) the Center for Medical Cannabis Research created in Section 53H-4-206 to accomplish the Center for Medical Cannabis Research's responsibilities; and
- (c) ~~[the Department of Agriculture and Food for the one time purchase of equipment to meet the requirements described in Section 4-41a-204.1.]~~ if there is remaining money in the fund balance on June 30 of each fiscal year after all other financial obligations under this Subsection (4) are met, the department shall provide up to \$300,000 for expenditure the next fiscal year to the nonprofit contracting entity described in Section 26B-4-248.

(5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(6) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets in accordance with Section 63J-1-504.

Section 11. Section **26B-1-421** is amended to read:

26B-1-421 . Compassionate Use Board.

(1) The definitions in Section 26B-4-201 apply to this section.

(2)(a) The department shall establish a Compassionate Use Board consisting of:

(i) seven ~~[qualified]~~ recommending medical providers that the executive director appoints with the advice and consent of the Senate:

(A) who are knowledgeable about the medicinal use of cannabis;

(B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(C) who are board certified by the American Board of Medical Specialties or an American Osteopathic Association Specialty Certifying Board in the specialty of neurology, pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, family medicine, or gastroenterology; and

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

(b) In appointing the seven ~~[qualified]~~ recommending medical providers described in

Subsection [(2)(a)] (2)(a)(i), the executive director shall ensure that at least two have a board certification in pediatrics.

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

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

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

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

(i) each term is four years; and

(ii) each board member is eligible for reappointment.

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

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

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

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

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

(5) The Compassionate Use Board shall:

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

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

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

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

(ii) the recommending medical provider:

(A) recommends that the individual or minor be allowed to use medical cannabis; and

(B) provides a letter, relevant treatment history, and notes or copies of progress notes describing relevant treatment history including rationale for considering the use of medical cannabis; and

- 1083 (iii) the Compassionate Use Board determines that:
- 1084 (A) the recommendation of the individual's recommending medical provider is
- 1085 justified; and
- 1086 (B) based on available information, it may be in the best interests of the individual
- 1087 to allow the use of medical cannabis;
- 1088 (b) when a recommending medical provider recommends that an individual described in
- 1089 Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c)
- 1090 be allowed to use a medical cannabis device or medical cannabis to vaporize a
- 1091 medical cannabis treatment, review and approve or deny the use of the medical
- 1092 cannabis device or medical cannabis;
- 1093 (c) unless no petitions are pending:
- 1094 (i) meet to receive or review compassionate use petitions at least quarterly; and
- 1095 (ii) if there are more petitions than the board can receive or review during the board's
- 1096 regular schedule, as often as necessary;
- 1097 (d) except as provided in Subsection (6), complete a review of each petition and
- 1098 recommend to the department approval or denial of the applicant for qualification for
- 1099 a medical cannabis card within 90 days after the day on which the board received the
- 1100 petition; and
- 1101 (e) consult with the department regarding the criteria described in Subsection (6).
- 1102 (6) The department shall make rules, in consultation with the Compassionate Use Board
- 1103 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
- 1104 establish a process and criteria for a petition to the board to automatically qualify for
- 1105 expedited final review and approval or denial by the department in cases where, in the
- 1106 determination of the department and the board:
- 1107 (a) time is of the essence;
- 1108 (b) engaging the full review process would be unreasonable in light of the petitioner's
- 1109 physical condition; and
- 1110 (c) sufficient factors are present regarding the petitioner's safety.
- 1111 (7)(a)(i) The department shall review:
- 1112 (A) any compassionate use for which the Compassionate Use Board recommends
- 1113 approval under Subsection (5)(d) to determine whether the board properly
- 1114 exercised the board's discretion under this section; and
- 1115 (B) any expedited petitions the department receives under the process described in
- 1116 Subsection (6).

- 1117 (ii) If the department determines that the Compassionate Use Board properly
1118 exercised the board's discretion in recommending approval under Subsection (5)(d)
1119 or that the expedited petition merits approval based on the criteria established in
1120 accordance with Subsection (6), the department shall:
1121 (A) issue the relevant medical cannabis card; and
1122 (B) provide for the renewal of the medical cannabis card in accordance with the
1123 recommendation of the recommending medical provider described in
1124 Subsection (5)(a).
- 1125 (b) If the Compassionate Use Board recommends denial under Subsection (5)(d), the
1126 individual seeking to obtain a medical cannabis card may petition the department to
1127 review the board's decision.
- 1128 (c) In reviewing the Compassionate Use Board's recommendation for approval or denial
1129 under Subsection (5)(d) in accordance with this Subsection (7), the department shall
1130 presume the board properly exercised the board's discretion unless the department
1131 determines that the board's recommendation was arbitrary or capricious.
- 1132 (8) Any individually identifiable health information contained in a petition that the
1133 Compassionate Use Board or department receives under this section is a protected
1134 record in accordance with Title 63G, Chapter 2, Government Records Access and
1135 Management Act.
- 1136 (9) The Compassionate Use Board shall annually report the board's activity to the advisory
1137 board.
- 1138 Section 12. Section **26B-4-201** is amended to read:
1139 **26B-4-201 . Definitions.**
1140 As used in this part:
- 1141 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1142 tetrahydrocannabinolic acid.
- 1143 (2) "Administration of criminal justice" means the performance of detection, apprehension,
1144 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1145 (3) "Advertise" means information provided by a person in any medium:
1146 (a) to the public; and
1147 (b) that is not age restricted to an individual who is at least 21 years old.
- 1148 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1149 Section 26B-1-435.
- 1150 (5) "Cannabis" means marijuana.

- 1151 (6) "Cannabis processing facility" means the same as that term is defined in Section
1152 4-41a-102.
- 1153 (7) "Cannabis product" means a product that:
1154 (a) is intended for human use; and
1155 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1156 concentration of 0.3% or greater on a dry weight basis.
- 1157 (8) "Cannabis production establishment" means the same as that term is defined in Section
1158 4-41a-102.
- 1159 (9) "Cannabis production establishment agent" means the same as that term is defined in
1160 Section 4-41a-102.
- 1161 (10) "Cannabis production establishment agent registration card" means the same as that
1162 term is defined in Section 4-41a-102.
- 1163 (11) "Conditional medical cannabis card" means an electronic medical cannabis card that
1164 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1165 applicant for a medical cannabis card to access medical cannabis during the department's
1166 review of the application.
- 1167 (12) "Controlled substance database" means the controlled substance database created in
1168 Section 58-37f-201.
- 1169 (13) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1170 (14) "Department" means the Department of Health and Human Services.
- 1171 (15) "Designated caregiver" means:
1172 (a) an individual:
1173 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1174 guardian card designates as the patient's caregiver; and
1175 (ii) who registers with the department under Section 26B-4-214; or
1176 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1177 with Subsection 26B-4-214(1)(b); or
1178 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1179 (16) "Directions of use" means recommended routes of administration for a medical
1180 cannabis treatment and suggested usage guidelines.
- 1181 (17) "Dosing guidelines" means a quantity range and frequency of administration for a
1182 recommended treatment of medical cannabis.
- 1183 (18) "Government issued photo identification" means any of the following forms of
1184 identification:

- 1185 (a) a valid state-issued driver license or identification card;
- 1186 (b) a valid United States federal-issued photo identification, including:
- 1187 (i) a United States passport;
- 1188 (ii) a United States passport card;
- 1189 (iii) a United States military identification card; or
- 1190 (iv) a permanent resident card or alien registration receipt card; ~~[or]~~
- 1191 (c) a foreign passport~~[-]~~ ; or
- 1192 (d) a tribal government-issued photo identification.
- 1193 (19) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
- 1194 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
- 1195 shipments to a delivery address to fulfill electronic orders.
- 1196 (20) "Incapacitated" means the same as that term is defined in Section 75-1-201.
- 1197 ~~[(20)]~~ (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1198 ~~[(21)]~~ (22) "Legal dosage limit" means an amount that:
- 1199 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1200 relevant recommending medical provider or pharmacy medical provider, in
- 1201 accordance with Subsection 26B-4-231(5), recommends; and
- 1202 (b) may not exceed:
- 1203 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1204 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
- 1205 total, greater than 20 grams of active tetrahydrocannabinol.
- 1206 ~~[(22)]~~ (23) "Legal use termination date" means a date on the label of a container of
- 1207 unprocessed cannabis flower:
- 1208 (a) that is 60 days after the date of purchase of the cannabis; and
- 1209 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 1210 primary residence of the relevant medical cannabis patient cardholder.
- 1211 ~~[(23)]~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1212 ~~[(24)]~~ (25) "Medical cannabis" or "medical cannabis product" means cannabis in a
- 1213 medicinal dosage form or a cannabis product in a medicinal dosage form.
- 1214 ~~[(25)]~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical
- 1215 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
- 1216 cannabis card.
- 1217 ~~[(26)]~~ (27) "Medical cannabis cardholder" means:
- 1218 (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 designation.

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

- (a) the department issues to an individual whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder designates as a designated caregiver; and
- (b) is connected to the electronic verification system.

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

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

- (b) "Medical cannabis device" does not include a device that:
 - (i) facilitates cannabis combustion; or
 - (ii) an individual uses to ingest substances other than cannabis.

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

- (a) the department issues to the parent or legal guardian of a minor ~~[with a qualifying condition]~~ or legal guardian of an incapacitated adult; and
- (b) is connected to the electronic verification system.

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

- (a) the department issues to an individual with a qualifying condition; and
- (b) is connected to the electronic verification system.

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

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

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

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

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

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

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

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

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

(A) a tablet;

(B) a capsule;

(C) a concentrated liquid or viscous oil;

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

(E) a topical preparation;

(F) a transdermal preparation;

(G) a sublingual preparation;

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

(I) a resin or wax;

(J) an aerosol;

(K) a suppository preparation; or

(L) a soft or hard confection that is a uniform rectangular cuboid or uniform

spherical shape, is homogeneous in color and texture, and each piece is a single serving; or

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

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

(B) at any time the medical cannabis cardholder transports or possesses the container in public, is contained within an opaque bag or box ~~that the medical~~

- 1287 cannabis pharmacy provides]; and
- 1288 (C) is labeled with the container's content and weight, the date of purchase, the
- 1289 legal use termination date, and a barcode that provides information connected
- 1290 to an inventory control system.
- 1291 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1292 (i) the medical cannabis cardholder has recently removed from the container
- 1293 described in Subsection [~~(37)(a)(ii)~~] (38)(a)(ii) for use; and
- 1294 (ii) does not exceed the quantity described in Subsection [~~(37)(a)(ii)~~] (38)(a)(ii).
- 1295 (c) "Medicinal dosage form" does not include:
- 1296 (i) any unprocessed cannabis flower outside of the container described in Subsection [
- 1297 ~~(37)(a)(ii)~~] (38)(a)(ii), except as provided in Subsection [~~(37)(b)~~] (38)(b);
- 1298 (ii) any unprocessed cannabis flower in a container described in Subsection [
- 1299 ~~(37)(a)(ii)~~] (38)(a)(ii) after the legal use termination date;
- 1300 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 1301 cannabis on a nail or other metal object that is heated by a flame, including a
- 1302 blowtorch;
- 1303 (iv) a liquid suspension that is branded as a beverage;
- 1304 (v) a substance described in Subsection [~~(37)(a)(i)~~] (38)(a)(i) or (ii) if the substance is
- 1305 not measured in grams, milligrams, or milliliters; or
- 1306 (vi) a substance that contains or is covered to any degree with chocolate.
- 1307 [~~(38)~~] (39) "Nonresident patient" means an individual who:
- 1308 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1309 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 1310 card under the laws of another state, district, territory, commonwealth, or insular
- 1311 possession of the United States; and
- 1312 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1313 [~~(39)~~] (40) "Patient product information insert" means a single page document or webpage
- 1314 that contains information about a medical cannabis product regarding:
- 1315 (a) how to use the product;
- 1316 (b) common side effects;
- 1317 (c) serious side effects;
- 1318 (d) dosage;
- 1319 (e) contraindications;
- 1320 (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:

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

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

(b) is connected to the electronic verification system.

[(42)] (43) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section 26B-1-310.

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

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

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

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

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

(a) meets the recommending qualifications;

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

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

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

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

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

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

(b) is licensed as:

- (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act;
- (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

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

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

- (a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information;
- (b) an in-person marketing event that is held in an area where only an individual who is at least 21 years old may access the event;
- (c) other marketing material that is physically or digitally displayed in the office of the medical clinic or office that employs a recommending medical provider; or
- (d) a leaflet that a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider shares with an individual who is at least 21 years old.

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

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

Section 13. Section **26B-4-202** is amended to read:

26B-4-202 . Electronic verification system.

- (1) The Department of Agriculture and Food, the department, the Department of Public Safety, and the Division of Technology Services shall:
 - (a) enter into a memorandum of understanding in order to determine the function and operation of the state electronic verification system in accordance with Subsection (2);
 - (b) coordinate with the Division of Purchasing and General Services, under Title 63G, Chapter 6a, Utah Procurement Code, to develop a request for proposals for a third-party provider to develop and maintain the state electronic verification system in coordination with the Division of Technology Services; and

- 1389 (c) select a third-party provider who:
- 1390 (i) meets the requirements contained in the request for proposals issued under
- 1391 Subsection (1)(b); and
- 1392 (ii) may not have any commercial or ownership interest in a cannabis production
- 1393 establishment or a medical cannabis pharmacy.
- 1394 (2) The Department of Agriculture and Food, the department, the Department of Public
- 1395 Safety, and the Division of Technology Services shall ensure that the state electronic
- 1396 verification system described in Subsection (1):
- 1397 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
- 1398 medical cannabis guardian card, provided that the card may not become active until:
- 1399 (i) the relevant recommending medical provider completes the associated medical
- 1400 cannabis recommendation; or
- 1401 (ii) the medical cannabis pharmacy completes the recording described in ~~Subsection~~
- 1402 ~~(2)(d)]~~ Subsections (2)(d)(ii) and (iii);
- 1403 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
- 1404 cannabis guardian card in accordance with Section 26B-4-213;
- 1405 (c) allows a recommending medical provider, or an employee described in Subsection (3)
- 1406 acting on behalf of the recommending medical provider, to:
- 1407 (i) access dispensing and card status information regarding a patient:
- 1408 (A) with whom the recommending medical provider has a provider-patient
- 1409 relationship; and
- 1410 (B) for whom the recommending medical provider has recommended or is
- 1411 considering recommending a medical cannabis card;
- 1412 (ii) electronically recommend treatment with medical cannabis and optionally
- 1413 recommend dosing guidelines;
- 1414 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
- 1415 or medical cannabis guardian cardholder:
- 1416 (A) using telehealth services, for the recommending medical provider who
- 1417 originally recommended a medical cannabis treatment during a face-to-face
- 1418 visit with the patient; or
- 1419 (B) during a face-to-face visit with the patient, for a recommending medical
- 1420 provider who did not originally recommend the medical cannabis treatment
- 1421 during a face-to-face visit; and
- 1422 (iv) submit an initial application, renewal application, or application payment on

1423 behalf of an individual applying for any of the following:

1424 (A) a medical cannabis patient card;

1425 (B) a medical cannabis guardian card; or

1426 (C) a medical cannabis caregiver card;

1427 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1428 agent, in accordance with Subsection 4-41a-1101(10)(a), to:

1429 (i) access the electronic verification system to review the history within the system of
1430 a patient with whom the provider or agent is interacting, limited to read-only
1431 access for medical cannabis pharmacy agents unless the medical cannabis
1432 pharmacy's pharmacist in charge authorizes add and edit access;

1433 (ii) record a patient's recommendation from a recommending medical provider,
1434 including any directions of use, dosing guidelines, or caregiver indications from
1435 the recommending medical provider;

1436 (iii) record a recommending medical provider's renewal of the provider's previous
1437 recommendation; and

1438 (iv) submit an initial application, renewal application, or application payment on
1439 behalf of an individual applying for any of the following:

1440 (A) a medical cannabis patient card;

1441 (B) a medical cannabis guardian card; or

1442 (C) a medical cannabis caregiver card;

1443 (e) connects with:

1444 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1445 time and archive purchases of any medical cannabis or a medical cannabis device,
1446 including:

1447 (A) the time and date of each purchase;

1448 (B) the quantity and type of medical cannabis or medical cannabis device
1449 purchased;

1450 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1451 any medical cannabis courier associated with the medical cannabis or medical
1452 cannabis device; and

1453 (D) the personally identifiable information of the medical cannabis cardholder
1454 who made the purchase; and

1455 (ii) any commercially available inventory control system that a cannabis production
1456 establishment utilizes in accordance with Section 4-41a-103 to use data that the

- 1457 Department of Agriculture and Food requires by rule, in accordance with Title
1458 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
1459 tracking system that a licensee uses to track and confirm compliance;
- 1460 (f) provides access to:
- 1461 (i) the department to the extent necessary to carry out the department's functions and
1462 responsibilities under this part;
- 1463 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1464 functions and responsibilities of the Department of Agriculture and Food under
1465 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- 1466 (iii) the Division of Professional Licensing to the extent necessary to carry out the
1467 functions and responsibilities related to the participation of the following in the
1468 recommendation and dispensing of medical cannabis:
- 1469 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
1470 Act;
- 1471 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1472 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1473 Nurse Practice Act;
- 1474 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1475 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1476 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1477 Assistant Act;
- 1478 (g) communicates dispensing information from a record that a medical cannabis
1479 pharmacy submits to the state electronic verification system under Subsection
1480 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1481 (h) provides access to state or local law enforcement only to verify the validity of an
1482 individual's medical cannabis card for the administration of criminal justice and
1483 through a database used by law enforcement; and
- 1484 (i) creates a record each time a person accesses the system that identifies the person who
1485 accesses the system and the individual whose records the person accesses.
- 1486 (3)(a) An employee of a recommending medical provider may access the electronic
1487 verification system for a purpose described in Subsection (2)(c) on behalf of the
1488 recommending medical provider if:
- 1489 (i) the recommending medical provider has designated the employee as an individual
1490 authorized to access the electronic verification system on behalf of the

- 1491 recommending medical provider;
- 1492 (ii) the recommending medical provider provides written notice to the department of
- 1493 the employee's identity and the designation described in Subsection (3)(a)(i); and
- 1494 (iii) the department grants to the employee access to the electronic verification
- 1495 system.
- 1496 (b) An employee of a business that employs a recommending medical provider may
- 1497 access the electronic verification system for a purpose described in Subsection (2)(c)
- 1498 on behalf of the recommending medical provider if:
- 1499 (i) the recommending medical provider has designated the employee as an individual
- 1500 authorized to access the electronic verification system on behalf of the
- 1501 recommending medical provider;
- 1502 (ii) the recommending medical provider and the employing business jointly provide
- 1503 written notice to the department of the employee's identity and the designation
- 1504 described in Subsection (3)(b)(i); and
- 1505 (iii) the department grants to the employee access to the electronic verification
- 1506 system.
- 1507 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall
- 1508 complete ~~[at least one hour of]~~ education regarding health information privacy laws
- 1509 that is offered by the department or an accredited or approved education provider that
- 1510 the department recognizes before the department may grant the employee access to
- 1511 the electronic verification system.
- 1512 (4)(a) Subject to Subsection (4)(c), a medical cannabis pharmacy agent may access the
- 1513 electronic verification system for a purpose described in Subsection (2)(d) if:
- 1514 (i) the pharmacist-in-charge has designated the agent as an individual authorized to
- 1515 access the electronic verification system;
- 1516 (ii) the agent completes continuing education regarding health information privacy
- 1517 laws that is offered by the department or an accredited or approved education
- 1518 provider that the department recognizes;
- 1519 (iii) the agent has completed the training described in Subsection (4)(a)(ii) within the
- 1520 previous two years; and
- 1521 (iv) the department grants to the agent access to the electronic verification system.
- 1522 (b) The pharmacist-in-charge shall ensure that each medical cannabis pharmacy agent
- 1523 working in the medical cannabis pharmacy who has access to the state electronic
- 1524 verification system is in compliance with Subsection (4)(a).

- 1525 (c) A medical cannabis pharmacy agent may not access the electronic verification
1526 system if the medical cannabis agent is not employed by a medical cannabis
1527 pharmacy.
- 1528 ~~[(4)]~~ (5)(a) As used in this Subsection ~~[(4)]~~ (5), "prescribing provider" means:
1529 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1530 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1531 Practice Act;
1532 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1533 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
1534 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1535 Assistant Act.
- 1536 (b) A prescribing provider may access information in the electronic verification system
1537 regarding a patient the prescribing provider treats.
- 1538 ~~[(5)]~~ (6) The department may release limited data that the system collects for the purpose of:
1539 (a) conducting medical and other department approved research;
1540 (b) providing the report required by Section 26B-4-222; and
1541 (c) other official department purposes.
- 1542 ~~[(6)]~~ (7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1543 Administrative Rulemaking Act, to establish:
1544 (a) the limitations on access to the data in the state electronic verification system as
1545 described in this section; and
1546 (b) standards and procedures to ensure accurate identification of an individual requesting
1547 information or receiving information in this section.
- 1548 ~~[(7)]~~ (8) Any person who negligently or recklessly releases any information in the state
1549 electronic verification system in violation of this section is guilty of a class C
1550 misdemeanor.
- 1551 ~~[(8)]~~ (9) Any person who obtains or attempts to obtain information from the state electronic
1552 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1553 ~~[(9)]~~ (10)(a) Except as provided in ~~[Subsections (9)(e) and]~~ Subsection (9)(e) and
1554 Subsection (11), a person may not knowingly and intentionally use, release, publish,
1555 or otherwise make available to any other person information obtained from the state
1556 electronic verification system for any purpose other than a purpose specified in this
1557 section.
- 1558 (b) Each separate violation of ~~[this]~~ Subsection ~~[(9)]~~ (10) is:

- 1559 (i) a third degree felony; and
 1560 (ii) subject to a civil penalty not to exceed \$5,000.
- 1561 ~~[(e) A law enforcement officer who uses the database used by law enforcement to access~~
 1562 ~~information in the electronic verification system for a reason that is not the~~
 1563 ~~administration of criminal justice is guilty of a class B misdemeanor.]~~
- 1564 ~~[(d)] (c)~~ The department shall determine a civil violation of this Subsection ~~[(9)] (10)~~ in
 1565 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1566 ~~[(e)] (d)~~ Civil penalties assessed under this Subsection ~~[(9)] (10)~~ shall be deposited into
 1567 the General Fund.
- 1568 ~~[(f)] (e)~~ This Subsection ~~[(9)] (10)~~ does not prohibit a person who obtains information
 1569 from the state electronic verification system under Subsection (2)(a), (c), or (f) from:
 1570 (i) including the information in the person's medical chart or file for access by a
 1571 person authorized to review the medical chart or file;
 1572 (ii) providing the information to a person in accordance with the requirements of the
 1573 Health Insurance Portability and Accountability Act of 1996; or
 1574 (iii) discussing or sharing that information about the patient with the patient.
- 1575 (11) A law enforcement officer who uses the database used by law enforcement to access
 1576 information in the electronic verification system for a reason that is not the
 1577 administration of criminal justice is guilty of a class B misdemeanor.

1578 Section 14. Section **26B-4-213** is amended to read:

1579 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**
 1580 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

- 1581 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
 1582 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
 1583 application in accordance with this section or Section 26B-4-214, the department shall~~[:]~~
 1584 issue the appropriate card to the individual for which the individual applied.

1585 ~~[(i) issue a medical cannabis patient card to an individual described in Subsection~~
 1586 ~~(2)(a);]~~

1587 ~~[(ii) issue a medical cannabis guardian card to an individual described in Subsection~~
 1588 ~~(2)(b);]~~

1589 ~~[(iii) issue a provisional patient card to a minor described in Subsection (2)(c); and]~~

1590 ~~[(iv) issue a medical cannabis caregiver card to an individual described in Subsection~~
 1591 ~~26B-4-214(4).]~~

- 1592 (b)(i) Upon the entry of a recommending medical provider's medical cannabis

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

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

(A) 60 days; or

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

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

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

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

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

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

(ii) the individual is a Utah resident;

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

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

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

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

(A) is at least 18 years old;

(B) is a Utah resident;

- 1627 (C)(I) is the parent or legal guardian of a minor for whom the minor's
1628 recommending medical provider recommends a medical cannabis treatment,
1629 the individual petitions the Compassionate Use Board under Section
1630 26B-1-421, and the Compassionate Use Board recommends department
1631 approval of the petition; or
1632 (II) is the legal guardian of an incapacitated adult and provides acceptable
1633 proof of guardianship to the department;
1634 (D) ~~[the individual]~~ signs an acknowledgment stating that the individual received
1635 the information described in Subsection (9); and
1636 (E) ~~[pays to the department a fee in an amount that, subject to Subsection~~
1637 ~~26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus~~
1638 ~~the cost of the criminal background check described in Section 26B-4-215.]~~
1639 signs an attestation under penalty of perjury that the individual is eligible for a
1640 medical cannabis guardian card under Section 26B-4-246.
1641 (ii) The department shall notify the Department of Public Safety of each individual
1642 that the department registers for a medical cannabis guardian card.
1643 (c)(i) A minor is eligible for a provisional patient card if:
1644 (A) the minor has a qualifying condition;
1645 (B) the minor's recommending medical provider recommends a medical cannabis
1646 treatment to address the minor's qualifying condition;
1647 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
1648 Board under Section 26B-1-421, and the Compassionate Use Board
1649 recommends department approval of the petition; and
1650 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
1651 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
1652 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
1653 (ii) The department shall automatically issue a provisional patient card to the minor
1654 described in Subsection (2)(c)(i) at the same time the department issues a medical
1655 cannabis guardian card to the minor's parent or legal guardian.
1656 (d) If the parent or legal guardian ~~[of a minor described in Subsections (2)(c)(i)(A)~~
1657 ~~through (C)]~~ does not qualify for a medical cannabis guardian card under Subsection
1658 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
1659 with Subsection 26B-4-214(1)(c) ~~[to ensure that the minor has adequate and safe~~
1660 ~~access to the recommended medical cannabis treatment].~~

- (e) The department shall issue a provisional patient card to an incapacitated adult if:
(i) the incapacitated adult's legal guardian qualifies for a medical cannabis guardian card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a medical cannabis caregiver card under Section 26B-4-214; and
(ii) the individual's recommending medical provider recommends treatment with medical cannabis in accordance with Subsection (4).

- (3)(a) An individual who is eligible for a medical cannabis card described in Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- (i) through an electronic application connected to the state electronic verification system;
 - (ii) with the recommending medical provider; and
 - (iii) with information including:
 - (A) the applicant's name, gender, age, and address;
 - (B) the number of the applicant's government issued photo identification;
 - (C) for a medical cannabis guardian card, the name, gender, and age of the ~~[minor]~~ individual receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and
 - (D) for a provisional patient card, the name of the ~~[minor's]~~ parent or legal guardian who holds the associated medical cannabis guardian card.
- (b)(i) If a recommending medical provider determines that, because of age, illness, or disability, a medical cannabis patient cardholder requires assistance in administering the medical cannabis treatment that the recommending medical provider recommends, the recommending medical provider may indicate the cardholder's need in the state electronic verification system, either directly or through the order described in Subsections 26B-4-204(1)(b) and (c).
- (ii) If a recommending medical provider makes the indication described in Subsection (3)(b)(i):
- (A) the department shall add a label to the relevant medical cannabis patient card indicating the cardholder's need for assistance;
 - (B) any adult who is 18 years old or older and who is physically present with the cardholder at the time the cardholder needs to use the recommended medical cannabis treatment may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in

- 1695 administering the recommended medical cannabis treatment; and
- 1696 (C) an individual of any age who is physically present with the cardholder in the
- 1697 event of an emergency medical condition, as that term is defined in Section
- 1698 31A-1-301, may handle the medical cannabis treatment and any associated
- 1699 medical cannabis device as needed to assist the cardholder in administering the
- 1700 recommended medical cannabis treatment.
- 1701 (iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may
- 1702 not:
- 1703 (A) ingest or inhale medical cannabis;
- 1704 (B) possess, transport, or handle medical cannabis or a medical cannabis device
- 1705 outside of the immediate area where the cardholder is present or with an intent
- 1706 other than to provide assistance to the cardholder; or
- 1707 (C) possess, transport, or handle medical cannabis or a medical cannabis device
- 1708 when the cardholder is not in the process of being dosed with medical cannabis.
- 1709 (4)(a) Except as provided in Subsection (4)(b), a recommending medical provider may
- 1710 not recommend medical cannabis to a patient through a virtual visit.
- 1711 (b) A recommending medical provider may recommend medical cannabis to a patient
- 1712 through a virtual visit if the patient:
- 1713 (i) is on hospice or has a terminal illness according to the patient's medical provider;
- 1714 (ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a
- 1715 nursing care facility, as defined in Section 26B-2-201;
- 1716 (iii) has previously received a medical cannabis recommendation from the
- 1717 recommending medical provider through a face-to-face visit; or
- 1718 (iv) is a current patient of the recommending medical provider and has met with the
- 1719 recommending medical provider face-to-face previously.
- 1720 (c) A recommending medical provider shall:
- 1721 (i) before recommending or renewing a recommendation for medical cannabis~~[in a~~
- 1722 ~~medicinal dosage form or a cannabis product in a medicinal dosage form]~~:
- 1723 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal
- 1724 guardian's government issued photo identification described in Subsection
- 1725 (3)(a);
- 1726 (B) review any record related to the patient and, for a minor patient, the patient's
- 1727 parent or legal guardian accessible to the recommending medical provider
- 1728 including in the controlled substance database created in Section 58-37f-201;

- 1729 and
- 1730 (C) consider the recommendation in light of the patient's qualifying condition,
- 1731 history of substance use or opioid use disorder, and history of medical cannabis
- 1732 and controlled substance use during a visit with the patient; and
- 1733 (ii) state in the recommending medical provider's recommendation that the patient:
- 1734 (A) suffers from a qualifying condition, including the type of qualifying condition;
- 1735 and
- 1736 (B) may benefit from treatment with [~~cannabis in a medicinal dosage form or a~~
- 1737 ~~cannabis product in a medicinal dosage form~~] medical cannabis.
- 1738 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
- 1739 department issues under this section is valid for the lesser of:
- 1740 (i) an amount of time that the recommending medical provider determines; or
- 1741 (ii) one year from the day the card is issued.
- 1742 (b)(i) A medical cannabis card that the department issues in relation to a terminal
- 1743 illness described in Section 26B-4-203 expires after one year.
- 1744 (ii) The recommending medical provider may revoke a recommendation that the
- 1745 provider made in relation to a terminal illness described in Section 26B-4-203 if
- 1746 the medical cannabis cardholder no longer has the terminal illness.
- 1747 (c) A medical cannabis card that the department issues in relation to acute pain as
- 1748 described in Section 26B-4-203 expires 30 days after the day on which the
- 1749 department first issues a conditional or full medical cannabis card.
- 1750 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable
- 1751 if:
- 1752 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
- 1753 or (b); or
- 1754 (ii) the cardholder received the medical cannabis card through the recommendation of
- 1755 the Compassionate Use Board under Section 26B-1-421.
- 1756 (b) The recommending medical provider who made the underlying recommendation for
- 1757 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
- 1758 card through phone or video conference with the cardholder, at the recommending
- 1759 medical provider's discretion.
- 1760 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
- 1761 shall pay to the department a renewal fee in an amount that:
- 1762 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with

- 1763 Section 63J-1-504; and
- 1764 (ii) may not exceed the cost of the relatively lower administrative burden of renewal
- 1765 in comparison to the original application process.
- 1766 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
- 1767 patient card renews automatically at the time the minor's parent or legal guardian
- 1768 renews the parent or legal guardian's associated medical cannabis guardian card.
- 1769 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis
- 1770 card with the patient's name.
- 1771 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may
- 1772 purchase, in accordance with this part and the recommendation underlying the
- 1773 card, [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal~~
- 1774 ~~dosage form,~~] medical cannabis or a medical cannabis device.
- 1775 (ii) A cardholder under this section may possess or transport, in accordance with this
- 1776 part and the recommendation underlying the card, [~~cannabis in a medicinal dosage~~
- 1777 ~~form, a cannabis product in a medicinal dosage form,~~] medical cannabis or a
- 1778 medical cannabis device.
- 1779 (iii) To address the qualifying condition underlying the medical cannabis treatment
- 1780 recommendation:
- 1781 (A) a medical cannabis patient cardholder or a provisional patient cardholder may
- 1782 use medical cannabis or a medical cannabis device; and
- 1783 (B) a medical cannabis guardian cardholder may assist the associated provisional
- 1784 patient cardholder with the use of medical cannabis or a medical cannabis
- 1785 device.
- 1786 (8)(a) The department may revoke a medical cannabis card that the department issues
- 1787 under this section if:
- 1788 (i) the recommending medical provider withdraws the medical provider's
- 1789 recommendation for medical cannabis; or
- 1790 (ii) the cardholder:
- 1791 (A) violates this part; or
- 1792 (B) is convicted under state or federal law of, after March 17, 2021, a drug
- 1793 distribution offense.
- 1794 (b) The department may not refuse to issue a medical cannabis card to a patient solely
- 1795 based on a prior revocation under Subsection (8)(a)(i).
- 1796 (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 15. 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);

- 1865 and
- 1866 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
- 1867 medical cannabis courier on behalf of the medical cannabis cardholder within
- 1868 the facility who designated the facility as a caregiver.
- 1869 (iii) The department shall make rules to regulate the practice of facilities and facility
- 1870 employees serving as designated caregivers under this Subsection (1)(b).
- 1871 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
- 1872 with the minor and the minor's recommending medical provider, may designate up to
- 1873 two individuals to serve as [a] designated [~~caregiver~~] caregivers for the minor, if the
- 1874 department determines that the parent or legal guardian is not eligible for a medical
- 1875 cannabis guardian card under Section 26B-4-213.
- 1876 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient
- 1877 with a terminal illness described in Section 26B-4-203, the department shall issue
- 1878 to the designated caregiver an electronic conditional medical cannabis caregiver
- 1879 card, in accordance with this Subsection (1)(d).
- 1880 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
- 1881 (A) 60 days; or
- 1882 (B) the day on which the department completes the department's review and issues
- 1883 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
- 1884 medical cannabis caregiver card application, or revokes the conditional
- 1885 medical cannabis caregiver card under Section 26B-4-246.
- 1886 (iii) The department may issue a conditional medical cannabis card to an individual
- 1887 applying for a medical cannabis patient card for which approval of the
- 1888 Compassionate Use Board is not required.
- 1889 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
- 1890 obligations under law applicable to a holder of the medical cannabis card for
- 1891 which the individual applies and for which the department issues the conditional
- 1892 medical cannabis card.
- 1893 (2) An individual that the department registers as a designated caregiver under this section
- 1894 and a facility described in Subsection (1)(b):
- 1895 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
- 1896 card;
- 1897 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
- 1898 the use of medical cannabis or a medical cannabis device on behalf of the designating

- 1899 medical cannabis cardholder;
- 1900 (c) may not charge a fee to an individual to act as the individual's designated caregiver
- 1901 or for a service that the designated caregiver provides in relation to the role as a
- 1902 designated caregiver; and
- 1903 (d) may accept reimbursement from the designating medical cannabis cardholder for
- 1904 direct costs the designated caregiver incurs for assisting with the designating
- 1905 cardholder's medicinal use of cannabis.
- 1906 (3)(a) The department shall:
- 1907 (i) within 15 days after the day on which an individual submits an application in
- 1908 compliance with this section, issue a medical cannabis card to the applicant if the
- 1909 applicant:
- 1910 (A) is designated as a caregiver under Subsection (1);
- 1911 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 1912 (C) complies with this section; and
- 1913 (ii) notify the Department of Public Safety of each individual that the department
- 1914 registers as a designated caregiver.
- 1915 ~~[(b) The department shall ensure that a medical cannabis caregiver card contains the~~
- 1916 ~~information described in Subsections (5)(b) and (3)(e)(i).]~~
- 1917 ~~[(e)]~~ (b) If a ~~[cardholder described in Section 26B-4-213]~~ medical cannabis patient
- 1918 cardholder or medical cannabis guardian cardholder designates an individual as a
- 1919 caregiver who already holds a medical cannabis caregiver card, the individual with
- 1920 the medical cannabis caregiver card:
- 1921 (i) shall report to the department the information required of applicants under
- 1922 Subsection (5)(b) regarding the new designation;
- 1923 (ii) if the individual makes the report described in Subsection ~~[(3)(e)(i)]~~ (3)(b)(i), is
- 1924 not required to file an application for another medical cannabis caregiver card; and
- 1925 (iii) may receive an additional medical cannabis caregiver card in relation to each
- 1926 additional medical cannabis patient who designates the caregiver~~[-and]~~ .
- 1927 ~~[(iv) is not subject to an additional background check.]~~
- 1928 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1929 (a) is at least 21 years old;
- 1930 (b) is a Utah resident; and
- 1931 (c) ~~[pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),~~
- 1932 ~~the department sets in accordance with Section 63J-1-504, plus the cost of the~~

- 1933 ~~criminal background check described in Section 26B-4-215; and] signs an attestation~~
1934 ~~under penalty of perjury that the individual is eligible for a medical cannabis~~
1935 ~~caregiver card under Section 26B-4-246.~~
- 1936 (d) signs an acknowledgment stating that the applicant received the information
1937 described in Subsection 26B-4-213(9).
- 1938 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1939 (a) submit an application for a medical cannabis caregiver card to the department
1940 through an electronic application connected to the state electronic verification
1941 system; and
- 1942 (b) submit the following information in the application described in Subsection (5)(a):
- 1943 (i) the applicant's name, gender, age, and address;
- 1944 (ii) the name, gender, age, and address of the ~~[cardholder described in Section~~
1945 ~~26B-4-213] medical cannabis patient cardholder or medical cannabis guardian~~
1946 ~~cardholder~~ who designated the applicant;
- 1947 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1948 gender, and age of the minor receiving a medical cannabis treatment in relation to
1949 the medical cannabis guardian cardholder; and
- 1950 (iv) any additional information that the department requests to assist in matching the
1951 application with the designating medical cannabis patient.
- 1952 (6) ~~[Except as provided in Subsection (6)(b), a]~~ A medical cannabis caregiver card that the
1953 department issues under this section is valid for the lesser of:
- 1954 (a) an amount of time that the ~~[cardholder described in Section 26B-4-213] medical~~
1955 ~~cannabis patient cardholder or medical cannabis guardian cardholder~~ who designated
1956 the caregiver determines; or
- 1957 (b) the amount of time remaining before the card of the ~~[cardholder described in Section~~
1958 ~~26B-4-213] medical cannabis patient cardholder or medical cannabis guardian~~
1959 ~~cardholder~~ expires.
- 1960 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
1961 caregiver's medical cannabis caregiver card renews automatically at the time the [
1962 ~~cardholder described in Section 26B-4-213] medical cannabis patient cardholder or~~
1963 ~~medical cannabis guardian cardholder~~ who designated the caregiver:
- 1964 (i) renews the cardholder's card; and
- 1965 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1966 (b) The department shall provide a method in the card renewal process to allow a [

1967 ~~cardholder described in Section 26B-4-213]~~ medical cannabis patient cardholder or
 1968 medical cannabis guardian cardholder who has designated a caregiver to:
 1969 (i) signify that the cardholder renews the caregiver's designation;
 1970 (ii) remove a caregiver's designation; or
 1971 (iii) designate a new caregiver.

1972 (8) The department shall record the issuance or revocation of a medical cannabis card under
 1973 this section in the controlled substance database.

1974 Section 16. Section **26B-4-248** is enacted to read:

1975 **26B-4-248 . Funds for patient vouchers.**

1976 (1) The department shall contract with a nonprofit entity that provides assistance to medical
 1977 cannabis cardholders for purchasing medical cannabis or a medical cannabis device.

1978 (2) Subject to available funds, the contracted nonprofit entity may provide monthly \$150
 1979 vouchers to a medical cannabis pharmacy for purchasing products in accordance with
 1980 this section.

1981 (3) A medical cannabis patient is eligible for a voucher if the individual is:

1982 (a) an active medical cannabis cardholder patient; and

1983 (b) enrolled in Medicaid or Medicare.

1984 (4) The department may make rules to effectuate the program described in this section in
 1985 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1986 (5) A contracted nonprofit entity shall provide the department an accounting each quarter of:

1987 (a) how money was used; and

1988 (b) other metrics determined relevant by the department.

1989 (6) The contracted nonprofit entity shall use all money received from the department under
 1990 this section for vouchers described in this section.

1991 Section 17. Section **63I-2-236** is amended to read:

1992 **63I-2-236 . Repeal dates: Title 36.**

1993 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
 1994 July 1, [2026] 2027.

1995 (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
 1996 November 30, 2027.

1997 Section 18. **Repealer.**

1998 This bill repeals:

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

2000 Section 19. **Effective Date.**

2001 This bill takes effect on May 6, 2026.