

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 ice;
- ▶ extends the repeal of the medical cannabis governance structure working group; and

29 ▸ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 **AMENDS:**

36 **4-41a-201**, as last amended by Laws of Utah 2025, Chapter 414

37 **4-41a-501**, as last amended by Laws of Utah 2025, Chapter 114

38 **4-41a-602**, as last amended by Laws of Utah 2025, Chapter 392

39 **4-41a-1001**, as last amended by Laws of Utah 2025, Chapters 114, 277 and 414

40 **4-41a-1101**, as last amended by Laws of Utah 2025, Chapter 392

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

42 **4-41a-1201**, as last amended by Laws of Utah 2025, Chapter 114

43 **4-41a-1204**, as last amended by Laws of Utah 2025, Chapter 414

44 **4-41a-1205**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
45 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
46 Laws of Utah 2023, Chapter 307

47 **26B-1-310**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

48 **26B-1-421**, as last amended by Laws of Utah 2025, Chapter 494

49 **26B-4-201**, as last amended by Laws of Utah 2025, Chapter 392

50 **26B-4-202**, as last amended by Laws of Utah 2025, Chapter 392

51 **26B-4-213**, as last amended by Laws of Utah 2025, Chapter 392

52 **26B-4-214**, as last amended by Laws of Utah 2025, Chapter 392

53 **63I-2-236**, as last amended by Laws of Utah 2025, Chapters 277, 414

54 **ENACTS:**

55 **26B-4-248**, Utah Code Annotated 1953

56 **REPEALS:**

57 **26B-4-215**, as renumbered and amended by Laws of Utah 2023, Chapter 307

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

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

61 **4-41a-201 . Cannabis production establishment -- License.**

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

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

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

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

- 70 (A) solicit applications for a license under this section;
- 71 (B) allow for comments and questions in the development of applications;
- 72 (C) timely and objectively evaluate applications;
- 73 (D) hold public hearings that the department deems appropriate; and
- 74 (E) select applicants to receive a license.

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

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

79 (i) subject to Subsection (2)(c), a proposed name and each address, located in a zone
80 described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate
81 the cannabis production establishment;

82 (ii) the name and address of any individual who has:
83 (A) for a publicly traded company, a financial or voting interest of 10% or greater
84 in the proposed cannabis production establishment;

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

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

89 (iii) an operating plan that:
90 (A) complies with Section 4-41a-204;
91 (B) includes operating procedures that comply with this chapter and any law the
92 municipality or county in which the person is located adopts that is consistent
93 with Section 4-41a-406; and
94 (C) the department or licensing board approves;

95 (iv) a statement that the applicant will obtain and maintain a liquid cash account with
96 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

131 each location of a cannabis production establishment.

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

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

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

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

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

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

144 (5) If the licensing board receives more than one application for a cannabis production
145 establishment within the same city or town, the licensing board shall consult with the
146 local land use authority before approving any of the applications pertaining to that city
147 or town.

148 (6) The licensing board may not issue a license to operate an independent cannabis testing
149 laboratory to a person who:

150 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
151 cannabis processing facility, or a cannabis cultivation facility;

152 (b) has an owner, officer, director, or employee whose family member holds a license or
153 has an ownership interest in a medical cannabis pharmacy, a cannabis processing
154 facility, or a cannabis cultivation facility; or

155 (c) proposes to operate the independent cannabis testing laboratory at the same physical
156 location as a medical cannabis pharmacy, a cannabis processing facility, or a
157 cannabis cultivation facility.

158 (7) The licensing board may not issue a license to operate a cannabis production
159 establishment to an applicant if any individual described in Subsection (2)(b)(ii):

160 (a) has been convicted under state or federal law of:

161 (i) a felony in the preceding 10 years; or

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

163 (b) is younger than 21 years old; or

164 (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

199 chapter;

200 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
201 laboratory fails to substantially meet the performance standards described in
202 Subsection (14)(b); or

203 (h) if, following an investigation conducted [pursuant to] under Subsection
204 4-41a-201.1(11), the board finds that the licensee has participated in an
205 anticompetitive business practice.

206 (10)(a) A person who receives a cannabis production establishment license under this
207 chapter, if the municipality or county where the licensed cannabis production
208 establishment will be located requires a local land use permit, shall submit to the
209 licensing board a copy of the licensee's approved application for the land use permit
210 within 120 days after the day on which the licensing board issues the license.

211 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
212 land use permit application in accordance with Subsection (10)(a), the licensing
213 board may revoke the licensee's license.

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

216 (12) The department shall begin accepting applications under this part on or before January
217 1, 2020.

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

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

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

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

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

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

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

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

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

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

239 (A) fewer than two licensed independent cannabis testing laboratories are
240 operating; or
241 (B) the licensed independent cannabis testing laboratories become, in the
242 department's determination, unable to fully meet the market demand for testing.

243 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,
244 Utah Administrative Rulemaking Act, to establish performance standards for the
245 operation of an independent cannabis testing laboratory, including deadlines for
246 testing completion.
247 (ii) A license that the department issues to an independent cannabis testing laboratory
248 is contingent upon substantial satisfaction of the performance standards described
249 in Subsection (14)(b)(i), as determined by the board.

250 (15)(a) A cannabis production establishment license is not transferrable or assignable.
251 (b) If the ownership of a cannabis production establishment changes by 50% or more:
252 (i) the cannabis production establishment shall submit a new application described in
253 Subsection (2)(b), subject to Subsection (2)(c);
254 (ii) within [30] 60 days of the submission of the application, the board shall:
255 (A) conduct the application review described in Section 4-41a-201.1; and
256 (B) award a license to the cannabis production establishment for the remainder of
257 the term of the cannabis production establishment's license before the
258 ownership change if the cannabis production establishment meets the minimum
259 standards for licensure and operation of the cannabis production establishment
260 described in this chapter; and
261 (iii) if the board approves the license application, notwithstanding Subsection (3), the
262 cannabis production establishment shall pay a license fee that the department sets
263 in accordance with Section 63J-1-504 in an amount that covers the board's cost of
264 conducting the application review.

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

266 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

267 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis
268 cultivation facility is not visible from the ground level of the cannabis cultivation facility
269 perimeter.

270 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
271 facility's inventory control system to identify:
272 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
273 cannabis plant;
274 (b) each unique harvest of cannabis plants;
275 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
276 cannabis processing facility, or an independent cannabis testing laboratory; and
277 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
278 facility disposes.

279 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or
280 cannabis plant product before transferring the cannabis biomass from the facility.

281 (4) A cannabis cultivation facility shall either:
282 (a) ensure that a cannabis processing facility chemically or physically processes
283 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation
284 into cannabis derivative products; or
285 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.

286 (5)(a) A cannabis cultivation facility may[utilize radiation-based methods and
287 equipment], for quality assurance or remediation purposes, use methods and
288 equipment as approved by the department through rule.
289 (b) The department shall allow the use of radiation-based methods and equipment in
290 rules created under Subsection (5)(a).

291 (6) The department shall make rules establishing:
292 (a) the records a cannabis cultivation facility [must] shall keep regarding each batch,
293 amount of product treated, and the methods used; and
294 (b) disclosure requirements to a cannabis processor receiving the material subject to the
295 radiation including the methods and equipment used.

296 Section 3. Section **4-41a-602** is amended to read:

297 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**

298 (1) For any cannabis product that a cannabis processing facility processes or produces and
299 for any raw cannabis that the facility packages, the facility shall:
300 (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) [To-] 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

369 (B) ensures inclusion of a pharmacy label; and
370 (ii) additional requirements on packaging for cannabis and cannabis products to
371 ensure safety and product quality; [and]
372 (b) may make rules to further define standards regarding images, words, phrases, or
373 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii)[.] ; and
374 (c) may make rules to regulate the use of common terms describing a potential
375 physiological effect on medical cannabis labels.

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

377 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

378 (1) A person may not:

379 (a) operate as a medical cannabis pharmacy without a license that the department issues
380 under this part;
381 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the
382 person to exceed the pharmacy ownership limit;
383 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
384 partial ownership share would cause the person to exceed the pharmacy ownership
385 limit; or
386 (d) enter into any contract or agreement that allows the person to directly or indirectly
387 control the operations of a medical cannabis pharmacy if the person's control of the
388 medical cannabis pharmacy would cause the person to effectively exceed the
389 pharmacy ownership limit.

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

392 (ii) The licensing board may not issue a license to operate a medical cannabis
393 pharmacy to an applicant who is not eligible for a license under this section.
394 (b) An applicant is eligible for a license under this section if the applicant submits to the
395 licensing board:
396 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
397 operate the medical cannabis pharmacy;
398 (ii) the name and address of an individual who:
399 (A) for a publicly traded company, has a financial or voting interest of 10% or
400 greater in the proposed medical cannabis pharmacy;
401 (B) for a privately held company, a financial or voting interest in the proposed
402 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

department has selected to receive a license until the selected eligible applicant complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).

- (e) If the licensing board receives more than one application for a medical cannabis pharmacy within the same city or town, the department shall consult with the local land use authority before approving any of the applications pertaining to that city or town.
- (f) In considering the issuance of a medical cannabis pharmacy license under this section, the licensing board may consider the extent to which the pharmacy can increase efficiency and reduce cost to patients of medical cannabis.

(3)(a) After an entity has been selected for a medical cannabis pharmacy license under this section, the department shall:

- (i) charge the applicant an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- (ii) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii); and
- (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in location, ownership, or company structure.

(b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis pharmacy located in a medically underserved area as determined by the federal Health Resources and Services Administration shall be 50% less than what is charged for other medical cannabis pharmacies.

(4) The licensing board may not issue a license to operate a medical cannabis pharmacy to an applicant if an 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.

(5) If an applicant for a medical cannabis pharmacy license under this section holds another license under this chapter, the licensing board may not give preference to the applicant based on the applicant's status as a holder of the license.

(6) The licensing board may revoke a license under this part:

(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

505 is not subject to review.

506 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
507 an applicant is not subject to:

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

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

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

511 (b) A medical cannabis pharmacy shall report in writing to the department no later than
512 45 business days before the date of any change of ownership of the medical cannabis
513 pharmacy.

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

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

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

519 (A) conduct an application review; and

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

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

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

529 **4-41a-1101 . Operating requirements -- General.**

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

531 (i) at the physical address provided to the department under Section 4-41a-1001; and
532 (ii) in accordance with the operating plan provided to the department under Section
533 4-41a-1001 and, if applicable, Section 4-41a-1004.

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

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

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

538 (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;

573 (iv) directions of use and dosing guidelines or an indication that the recommending
574 medical provider did not recommend specific directions of use or dosing
575 guidelines; and

576 (v) if the patient did not complete the transaction, the name of the medical cannabis
577 cardholder who completed the transaction.

578 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
579 not sell medical cannabis unless the medical cannabis has a label securely affixed
580 to the container indicating the following minimum information:
581 (A) the name, address, and telephone number of the medical cannabis pharmacy;
582 (B) the unique identification number that the medical cannabis pharmacy assigns;
583 (C) the date of the sale;
584 (D) the name of the patient;
585 (E) the name of the recommending medical provider who recommended the
586 medical cannabis treatment;
587 (F) directions for use and cautionary statements, if any;
588 (G) the amount dispensed and the cannabinoid content;
589 (H) the suggested use date;
590 (I) for unprocessed cannabis flower, the legal use termination date; and
591 (J) any other requirements that the department determines, in consultation with the
592 Division of Professional Licensing and the Board of Pharmacy.

593 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
594 following information under Subsection (9)(b)(i) if the information is already
595 provided on the product label that a cannabis production establishment affixes:
596 (A) a unique identification number;
597 (B) directions for use and cautionary statements;
598 (C) amount and cannabinoid content; and
599 (D) a suggested use date.

600 (iii) If the size of a medical cannabis container does not allow sufficient space to
601 include the labeling requirements described in Subsection (9)(b)(i), the medical
602 cannabis pharmacy may provide the following information described in
603 Subsection (9)(b)(i) on a supplemental label attached to the container or an
604 informational enclosure that accompanies the container:
605 (A) the cannabinoid content;
606 (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:

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

649 (12) A medical cannabis pharmacy:

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

675 information insert using any of the following methods:

676 (i) a physical document;

677 (ii) an email message;

678 (iii) a text message; or

679 (iv) a quick response code; and

680 (j) may not allow a recommending medical provider to recommend medical cannabis as

681 part of an event that:

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

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

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

685 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah

686 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products

687 by a medical cannabis pharmacy.

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

689 **4-41a-1106 . Medical cannabis pharmacy agent -- Registration.**

690 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical

691 cannabis pharmacy unless the department registers the individual as a medical cannabis

692 pharmacy agent.

693 (2) A recommending medical provider may not act as a medical cannabis pharmacy agent,

694 have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or

695 have the power to direct or cause the management or control of a medical cannabis

696 pharmacy.

697 (3)(a) The department shall, within 15 days after the day on which the department

698 receives a complete application from a medical cannabis pharmacy on behalf of a

699 prospective medical cannabis pharmacy agent, register and issue a medical cannabis

700 pharmacy agent registration card to the prospective agent if the medical cannabis

701 pharmacy:

702 (i) provides to the department:

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

704 (B) the name and location of the licensed medical cannabis pharmacy where the

705 prospective agent seeks to act as the medical cannabis pharmacy agent; and

706 (C) the submission required under Subsection (3)(b); and

707 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),

708 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

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

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

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

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

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

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

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

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

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

- 773 [(i) complete at least one hour of continuing education regarding patient privacy and
774 federal health information privacy laws that is offered by the department under
775 Subsection (8)(b) or an accredited or approved continuing education provider that
776 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 ~~[~~(e) 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 ~~[~~(e) 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

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

882 (b) The department shall ensure that the certification standard described in Subsection
883 (3)(a) includes training in:
884 (i) Utah medical cannabis law;
885 (ii) the medical cannabis shipment process; and
886 (iii) medical cannabis courier agent best practices.

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

889 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:
890 (i) is eligible for a medical cannabis courier agent registration card under this section;
891 (ii) certifies to the department in a renewal application that the information in
892 Subsection (2)(a) is accurate or updates the information; and
893 (iii) pays to the department a renewal fee in an amount that:
894 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
895 Section 63J-1-504; and
896 (B) may not exceed the cost of the relatively lower administrative burden of
897 renewal in comparison to the original application process.

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

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

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

907 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
908 pharmacy, or a delivery address; and
909 (b) the agent is handling a medical cannabis shipment.

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

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

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

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

916 (i) guilty of an infraction; and
917 (ii) subject to a \$100 fine.

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

921 (9) A medical cannabis courier shall:

922 (a) maintain a list of employees who have a medical cannabis courier agent card; and
923 (b) provide the list to the department upon request.

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

925 **4-41a-1205 . Home delivery of medical cannabis shipments.**

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

929 (a) the individual receiving the shipment presents:

930 (i) a government issued photo identification; and
931 (ii)(A) a valid medical cannabis card under the same name that appears on the
932 government issued photo identification; or
933 (B) for a facility that a medical cannabis cardholder has designated as a caregiver
934 under Subsection 26B-4-214(1)(b), evidence of the facility caregiver
935 designation; and

936 (b) the delivery occurs at:

937 (i) the delivery address that is on file in the state electronic verification system; or
938 (ii) the facility that the medical cannabis cardholder has designated as a caregiver
939 under Subsection 26B-4-214(1)(b).

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

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

947 (c) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
948 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent
949 shall:
950 (i) verify the shipment information using the state electronic verification system;
951 (ii) ensure that the individual satisfies the identification requirements in Subsection
952 (1);
953 (iii) verify that payment is complete; and
954 (iv) record the completion of the shipment transaction in a manner such that the
955 delivery of the shipment will later be recorded within a reasonable period in the
956 electronic verification system.

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

959 (a)[(i)] store each medical cannabis shipment in a secure manner until the recipient
960 medical cannabis cardholder receives the shipment or the medical cannabis
961 courier returns the shipment to the home delivery medical cannabis pharmacy in
962 accordance with Subsection (4); [and]
963 [(ii)] (b) use adequate storage or shipping containers and shipping processes to ensure
964 medical cannabis stability and potency and appropriate storage temperatures
965 throughout delivery;
966 (c) use shipping containers sealed in a manner to detect evidence of opening or
967 tampering;
968 (d) ensure that only a home delivery medical cannabis pharmacy agent or medical
969 cannabis courier agent is able to access the medical cannabis shipment until the
970 recipient medical cannabis cardholder receives the shipment;
971 [(b)] (e) return any undelivered medical cannabis shipment to the home delivery medical
972 cannabis pharmacy, in accordance with Subsection (4),[after the medical cannabis
973 courier has possessed the shipment for 10 business days] within 14 days from the day
974 the medical cannabis shipment was shipped; and
975 [(e)] (f) return any medical cannabis shipment to the home delivery medical cannabis
976 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder
977 refuses to accept the shipment.

978 (4)(a) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
979 returns an undelivered medical cannabis shipment [that remains unopened, the home
980 delivery medical cannabis pharmaey 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:

1015 (a) the department to accomplish the department's responsibilities described in Chapter
1016 4, Part 2, Cannabinoid Research and Medical Cannabis;
1017 (b) the Center for Medical Cannabis Research created in Section 53H-4-206 to
1018 accomplish the Center for Medical Cannabis Research's responsibilities; and
1019 (c) ~~[the Department of Agriculture and Food for the one time purchase of equipment to~~
1020 ~~meet the requirements described in Section 4-41a-204.1.] if there is remaining money~~
1021 ~~in the fund balance on June 30 of each fiscal year after all other financial obligations~~
1022 ~~under this Subsection (4) are met, the department shall provide up to \$300,000 for~~
1023 ~~expenditure the next fiscal year to the nonprofit contracting entity described in S~~
1024 ~~ection 26B-4-248.~~

1025 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research
1026 and Medical Cannabis, in amounts that the department anticipates are necessary, in total,
1027 to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research
1028 and Medical Cannabis.

1029 (6) The department may impose a uniform fee on each medical cannabis transaction in a
1030 medical cannabis pharmacy in an amount that, subject to Subsection (5), the department
1031 sets in accordance with Section 63J-1-504.

1032 Section 11. Section **26B-1-421** is amended to read:

1033 **26B-1-421 . Compassionate Use Board.**

1034 (1) The definitions in Section 26B-4-201 apply to this section.

1035 (2)(a) The department shall establish a Compassionate Use Board consisting of:

1036 (i) seven ~~[qualified]~~ recommending medical providers that the executive director
1037 appoints with the advice and consent of the Senate:
1038 (A) who are knowledgeable about the medicinal use of cannabis;
1039 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice
1040 Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
1041 (C) who are board certified by the American Board of Medical Specialties or an
1042 American Osteopathic Association Specialty Certifying Board in the specialty
1043 of neurology, pain medicine and pain management, medical oncology,
1044 psychiatry, infectious disease, internal medicine, pediatrics, family medicine,
1045 or gastroenterology; and

1046 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
1047 executive director or the director's designee.

1048 (b) In appointing the seven ~~[qualified]~~ recommending medical providers described in

1049 Subsection [(2)(a)] (2)(a)(i), the executive director shall ensure that at least two have a
1050 board certification in pediatrics.

1051 (3)(a) Of the members of the Compassionate Use Board that the executive director first
1052 appoints:

1053 (i) three shall serve an initial term of two years; and

1054 (ii) the remaining members shall serve an initial term of four years.

1055 (b) After an initial term described in Subsection (3)(a) expires:

1056 (i) each term is four years; and

1057 (ii) each board member is eligible for reappointment.

1058 (c) A member of the Compassionate Use Board may serve until a successor is appointed.

1059 (d) Four members constitute a quorum of the Compassionate Use Board.

1060 (4) A member of the Compassionate Use Board may receive:

1061 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
1062 service; and

1063 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
1064 Division of Finance in accordance with Section 63A-3-107.

1065 (5) The Compassionate Use Board shall:

1066 (a) review and recommend for department approval a petition to the board regarding an
1067 individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection
1068 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical
1069 cannabis card to obtain a medical cannabis card for compassionate use, for the
1070 standard or a reduced period of validity, if:

1071 (i) for an individual who is not otherwise qualified to receive a medical cannabis
1072 card, the individual's recommending medical provider is actively treating the
1073 individual for an intractable condition that:

1074 (A) substantially impairs the individual's quality of life; and

1075 (B) has not, in the recommending medical provider's professional opinion,
1076 adequately responded to conventional treatments;

1077 (ii) the recommending medical provider:

1078 (A) recommends that the individual or minor be allowed to use medical cannabis;
1079 and

1080 (B) provides a letter, relevant treatment history, and notes or copies of progress
1081 notes describing relevant treatment history including rationale for considering
1082 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).

- (ii) If the department determines that the Compassionate Use Board properly exercised the board's discretion in recommending approval under Subsection (5)(d) or that the expedited petition merits approval based on the criteria established in accordance with Subsection (6), the department shall:
 - (A) issue the relevant medical cannabis card; and
 - (B) provide for the renewal of the medical cannabis card in accordance with the recommendation of the recommending medical provider described in Subsection (5)(a).
- (b) If the Compassionate Use Board recommends denial under Subsection (5)(d), the individual seeking to obtain a medical cannabis card may petition the department to review the board's decision.
- (c) In reviewing the Compassionate Use Board's recommendation for approval or denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall presume the board properly exercised the board's discretion unless the department determines that the board's recommendation was arbitrary or capricious.

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

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

Section 12. Section **26B-4-201** is amended to read:

26B-4-201 . Definitions.

As used in this part:

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

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

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

- (a) to the public; and
- (b) that is not age restricted to an individual who is at least 21 years old.

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

"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

1219 (b) a facility or assigned employee, described in Subsection (15)(b), only:

1220 (i) within the scope of the facility's or assigned employee's performance of the role of

1221 a medical cannabis patient cardholder's caregiver designation under Subsection

1222 26B-4-214(1)(b); and

1223 (ii) while in possession of documentation that establishes:

1224 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);

1225 (B) the identity of the individual presenting the documentation; and

1226 (C) the relation of the individual presenting the documentation to the caregiver

1227 designation.

1228 [~~(27)~~] (28) "Medical cannabis caregiver card" means an electronic document that a

1229 cardholder may print or store on an electronic device or a physical card or document that:

1230 (a) the department issues to an individual whom a medical cannabis patient cardholder

1231 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1232 (b) is connected to the electronic verification system.

1233 [~~(28)~~] (29) "Medical cannabis courier" means the same as that term is defined in Section

1234 4-41a-102.

1235 [~~(29)~~] (30)(a) "Medical cannabis device" means a device that an individual uses to ingest

1236 or inhale medical cannabis.

1237 (b) "Medical cannabis device" does not include a device that:

1238 (i) facilitates cannabis combustion; or

1239 (ii) an individual uses to ingest substances other than cannabis.

1240 [~~(30)~~] (31) "Medical cannabis guardian card" means an electronic document that a

1241 cardholder may print or store on an electronic device or a physical card or document that:

1242 (a) the department issues to the parent or legal guardian of a minor [with a qualifying

1243 condition] or legal guardian of an incapacitated adult; and

1244 (b) is connected to the electronic verification system.

1245 [~~(31)~~] (32) "Medical cannabis patient card" means an electronic document that a cardholder

1246 may print or store on an electronic device or a physical card or document that:

1247 (a) the department issues to an individual with a qualifying condition; and

1248 (b) is connected to the electronic verification system.

1249 [~~(32)~~] (33) "Medical cannabis pharmacy" means a person that:

1250 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing

1251 facility or another medical cannabis pharmacy or a medical cannabis device; or

1252 (ii) possesses medical cannabis or a medical cannabis device; and

1253 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1254 cannabis cardholder.

1255 [(33)] (34) "Medical cannabis pharmacy agent" means an individual who holds a valid
1256 medical cannabis pharmacy agent registration card issued by the department.

1257 [(34)] (35) "Medical cannabis pharmacy agent registration card" means a registration card
1258 issued by the department that authorizes an individual to act as a medical cannabis
1259 pharmacy agent.

1260 [(35)] (36) "Medical cannabis shipment" means the same as that term is defined in Section
1261 4-41a-102.

1262 [(36)] (37) "Medical cannabis treatment" means medical cannabis or a medical cannabis
1263 device.

1264 [(37)] (38)(a) "Medicinal dosage form" means:

1265 (i) for processed medical cannabis, the following with a specific and consistent
1266 cannabinoid content:

1267 (A) a tablet;

1268 (B) a capsule;

1269 (C) a concentrated liquid or viscous oil;

1270 (D) a liquid suspension that does not exceed 30 milliliters;

1271 (E) a topical preparation;

1272 (F) a transdermal preparation;

1273 (G) a sublingual preparation;

1274 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1275 rectangular cuboid shape;

1276 (I) a resin or wax;

1277 (J) an aerosol;

1278 (K) a suppository preparation; or

1279 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1280 spherical shape, is homogeneous in color and texture, and each piece is a single
1281 serving; or

1282 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

1283 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1284 the stated weight at the time of packaging;

1285 (B) at any time the medical cannabis cardholder transports or possesses the
1286 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 [(37)(a)(ii)] (38)(a)(ii), except as provided in Subsection [(37)(b)] (38)(b);

1297 (ii) any unprocessed cannabis flower in a container described in Subsection [(37)(a)(ii)] (38)(a)(ii) after the legal use termination date;

1298 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
1299 cannabis on a nail or other metal object that is heated by a flame, including a
1300 blowtorch;

1301 (iv) a liquid suspension that is branded as a beverage;

1302 (v) a substance described in Subsection [(37)(a)(i)] (38)(a)(i) or (ii) if the substance is
1303 not measured in grams, milligrams, or milliliters; or

1304 (vi) a substance that contains or is covered to any degree with chocolate.

1305 [(38)] (39) "Nonresident patient" means an individual who:

1306 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

1307 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
1308 card under the laws of another state, district, territory, commonwealth, or insular
1309 possession of the United States; and

1310 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

1311 [(39)] (40) "Patient product information insert" means a single page document or webpage
1312 that contains information about a medical cannabis product regarding:

1313 (a) how to use the product;

1314 (b) common side effects;

1315 (c) serious side effects;

1316 (d) dosage;

1317 (e) contraindications;

1318 (f) safe storage;

1321 (g) information on when a product should not be used; and

1322 (h) other information the department deems appropriate in consultation with the
1323 cannabis processing facility that created the product.

1324 [(40)] (41) "Pharmacy medical provider" means the medical provider required to be on site
1325 at a medical cannabis pharmacy under Section 26B-4-219.

1326 [(41)] (42) "Provisional patient card" means a card that:

1327 (a) the department issues to a minor ~~[with a qualifying condition]~~ or incapacitated adult
1328 for whom:

1329 (i) a recommending medical provider has recommended a medical cannabis
1330 treatment; and

1331 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1332 legal guardian or the incapacitated adult's legal guardian; and

1333 (b) is connected to the electronic verification system.

1334 [(42)] (43) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
1335 26B-1-310.

1336 [(43)] (44) "Qualifying condition" means a condition described in Section 26B-4-203.

1337 [(44)] (45) "Recommend" or "recommendation" means, for a recommending medical
1338 provider, the act of suggesting the use of medical cannabis treatment, which:

1339 (a) certifies the patient's eligibility for a medical cannabis card; and

1340 (b) may include, at the recommending medical provider's discretion, directions of use,
1341 with or without dosing guidelines.

1342 [(45)] (46) "Recommending medical provider" means an individual who:

1343 (a) meets the recommending qualifications;

1344 (b) completes four hours of continuing medical education specific to medical cannabis
1345 through formal or informal sources; and

1346 (c) every two years, provides an acknowledgment to the department that the individual
1347 completed four hours of continuing medical education.

1348 [(46)] (47) "Recommending qualifications" means that an individual:

1349 (a)(i) has the authority to write a prescription;

1350 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1351 Controlled Substances Act; and

1352 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1353 prescribe a Schedule II controlled substance; and

1354 (b) is licensed as:

1355 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1356 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1357 Act;
1358 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1359 Chapter 68, Utah Osteopathic Medical Practice Act; or
1360 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1361 ~~[47]~~ (48) "State electronic verification system" means the system described in Section
1362 26B-4-202.

1363 ~~[48]~~ (49) "Targeted marketing" means the promotion by a recommending medical
1364 provider, medical clinic, or medical office that employs a recommending medical
1365 provider of a medical cannabis recommendation service using any of the following
1366 methods:

1367 (a) electronic communication to an individual who is at least 21 years old and has
1368 requested to receive promotional information;
1369 (b) an in-person marketing event that is held in an area where only an individual who is
1370 at least 21 years old may access the event;
1371 (c) other marketing material that is physically or digitally displayed in the office of the
1372 medical clinic or office that employs a recommending medical provider; or
1373 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that
1374 employs a recommending medical provider shares with an individual who is at least
1375 21 years old.

1376 ~~[49]~~ (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
1377 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1378 ~~[50]~~ (51) "THC analog" means the same as that term is defined in Section 4-41-102.

1379 Section 13. Section **26B-4-202** is amended to read:

26B-4-202 . Electronic verification system.

1381 (1) The Department of Agriculture and Food, the department, the Department of Public
1382 Safety, and the Division of Technology Services shall:
1383 (a) enter into a memorandum of understanding in order to determine the function and
1384 operation of the state electronic verification system in accordance with Subsection (2);
1385 (b) coordinate with the Division of Purchasing and General Services, under Title 63G,
1386 Chapter 6a, Utah Procurement Code, to develop a request for proposals for a
1387 third-party provider to develop and maintain the state electronic verification system
1388 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

Department of Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to track and confirm compliance;

(f) provides access to:

(i) the department to the extent necessary to carry out the department's functions and responsibilities under this part;

(ii) the Department of Agriculture and Food to the extent necessary to carry out the functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and

(iii) the Division of Professional Licensing to the extent necessary to carry out the functions and responsibilities related to the participation of the following in the recommendation and dispensing of medical cannabis:

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

- (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b.

Nurse Practice Act;

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

(E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;

nicates dispensation.

pharmacy submits to the state electronic verification system under Subsection 4-41a-1102(3)(a)(ii) to the controlled substance database;

- (h) provides access to state or local law enforcement only to verify the validity of an individual's medical cannabis card for the administration of criminal justice and through a database used by law enforcement; and

- (i) creates a record each time a person accesses the system that identifies the person who accesses the system and the individual whose records the person accesses.

(3)(a) An employee of a recommending medical provider may access the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the recommending medical provider if:

(i) the recommending medical provider has designated the employee as an individual authorized to access the electronic verification system on behalf of the

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~~[:] 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 Subseetion~~
1591 ~~26B-4-214(4).]~~

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

1593 recommendation for a patient in the state electronic verification system, either by
1594 the provider or the provider's employee or by a medical cannabis pharmacy
1595 medical provider or medical cannabis pharmacy in accordance with Subsection
1596 4-41a-1101(10)(a), the department shall issue to the patient an electronic
1597 conditional medical cannabis card, in accordance with this Subsection (1)(b).

1598 (ii) A conditional medical cannabis card is valid for the lesser of:
1599 (A) 60 days; or
1600 (B) the day on which the department completes the department's review and issues
1601 a medical cannabis card under Subsection (1)(a), denies the patient's medical
1602 cannabis card application, or revokes the conditional medical cannabis card
1603 under Subsection (8).

1604 (iii) The department may issue a conditional medical cannabis card to an individual
1605 applying for a medical cannabis patient card for which approval of the
1606 Compassionate Use Board is not required.

1607 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1608 obligations under law applicable to a holder of the medical cannabis card for
1609 which the individual applies and for which the department issues the conditional
1610 medical cannabis card.

1611 (2)(a) An individual is eligible for a medical cannabis patient card if:
1612 (i)(A) the individual is at least 21 years old; or
1613 (B) the individual is 18, 19, or 20 years old, the individual petitions the
1614 Compassionate Use Board under Section 26B-1-421, and the Compassionate
1615 Use Board recommends department approval of the petition;
1616 (ii) the individual is a Utah resident;
1617 (iii) the individual's recommending medical provider recommends treatment with
1618 medical cannabis in accordance with Subsection (4);
1619 (iv) the individual signs an acknowledgment stating that the individual received the
1620 information described in Subsection (9); and
1621 (v) the individual pays to the department a fee in an amount that, subject to
1622 Subsection 26B-1-310(5), the department sets in accordance with Section
1623 63J-1-504.

1624 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
1625 (A) is at least 18 years old;
1626 (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].

1661 (e) The department shall issue a provisional patient card to an incapacitated adult if:

1662 (i) the incapacitated adult's legal guardian qualifies for a medical cannabis guardian

1663 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)

1664 who is eligible for a medical cannabis caregiver card under Section 26B-4-214;

1665 and

1666 (ii) the individual's recommending medical provider recommends treatment with

1667 medical cannabis in accordance with Subsection (4).

1668 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection

1669 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:

1670 (i) through an electronic application connected to the state electronic verification

1671 system;

1672 (ii) with the recommending medical provider; and

1673 (iii) with information including:

1674 (A) the applicant's name, gender, age, and address;

1675 (B) the number of the applicant's government issued photo identification;

1676 (C) for a medical cannabis guardian card, the name, gender, and age of the [minor]

1677 individual receiving a medical cannabis treatment under the cardholder's

1678 medical cannabis guardian card; and

1679 (D) for a provisional patient card, the name of the [minor's]parent or legal

1680 guardian who holds the associated medical cannabis guardian card.

1681 (b)(i) If a recommending medical provider determines that, because of age, illness, or

1682 disability, a medical cannabis patient cardholder requires assistance in

1683 administering the medical cannabis treatment that the recommending medical

1684 provider recommends, the recommending medical provider may indicate the

1685 cardholder's need in the state electronic verification system, either directly or

1686 through the order described in Subsections 26B-4-204(1)(b) and (c).

1687 (ii) If a recommending medical provider makes the indication described in

1688 Subsection (3)(b)(i):

1689 (A) the department shall add a label to the relevant medical cannabis patient card

1690 indicating the cardholder's need for assistance;

1691 (B) any adult who is 18 years old or older and who is physically present with the

1692 cardholder at the time the cardholder needs to use the recommended medical

1693 cannabis treatment may handle the medical cannabis treatment and any

1694 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 [eannabis 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

Section 63J-1-504; and

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

(d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional patient card renews automatically at the time the minor's parent or legal guardian renews the parent or legal guardian's associated medical cannabis guardian card.

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

(b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may purchase, in accordance with this part and the recommendation underlying the card, [cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form,] medical cannabis or a medical cannabis device.

(ii) A cardholder under this section may possess or transport, in accordance with this part and the recommendation underlying the card, [cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form,] medical cannabis or a medical cannabis device.

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

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

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

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

(ii) the cardholder:

(A) violates this part; or

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

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

(9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah

1797 Administrative Rulemaking Act, a process to provide information regarding the
1798 following to an individual receiving a medical cannabis card:

1799 (a) risks associated with medical cannabis treatment;

1800 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1801 medical cannabis treatment is an effective treatment or cure for that condition, as
1802 described in Subsection 26B-4-203(1); and

1803 (c) other relevant warnings and safety information that the department determines.

1804 (10) The department may establish procedures by rule, in accordance with Title 63G,
1805 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
1806 issuance provisions of this section.

1807 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1808 Utah Administrative Rulemaking Act, a process to allow an individual from another
1809 state to register with the department in order to purchase medical cannabis or a
1810 medical cannabis device from a medical cannabis pharmacy while the individual is
1811 visiting the state.

1812 (b) The department may only provide the registration process described in Subsection
1813 (11)(a):

1814 (i) to a nonresident patient; and

1815 (ii) for no more than two visitation periods per calendar year of up to 21 calendar
1816 days per visitation period.

1817 (12)(a) A person may submit to the department a request to conduct a research study
1818 using medical cannabis cardholder data that the state electronic verification system
1819 contains.

1820 (b) The department shall review a request described in Subsection (12)(a) to determine
1821 whether an institutional review board, as that term is defined in Section 26B-4-201,
1822 could approve the research study.

1823 (c) At the time an individual applies for a medical cannabis card, the department shall
1824 notify the individual:

1825 (i) of how the individual's information will be used as a cardholder;

1826 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1827 consent under Subsection (12)(d), the individual consents to the use of the
1828 individual's information for external research; and

1829 (iii) that the individual may withdraw consent for the use of the individual's
1830 information for external research at any time, including at the time of application.

1831 (d) An applicant may, through the medical cannabis card application, and a medical
1832 cannabis cardholder may, through the state central patient portal, withdraw the
1833 applicant's or cardholder's consent to participate in external research at any time.
1834 (e) The department may release, for the purposes of a study described in this Subsection
1835 (12), information about a cardholder under this section who consents to participate
1836 under Subsection (12)(c).
1837 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
1838 consent:
1839 (i) applies to external research that is initiated after the withdrawal of consent; and
1840 (ii) does not apply to research that was initiated before the withdrawal of consent.
1841 (g) The department may establish standards for a medical research study's validity, by
1842 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1843 Act.
1844 (13) The department shall record the issuance or revocation of a medical cannabis card
1845 under this section in the controlled substance database.

1846 Section 15. Section **26B-4-214** is amended to read:

1847 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**

1848 **Revocation.**

1849 (1)(a) A ~~cardholder described in Section 26B-4-213~~ medical cannabis patient
1850 cardholder or medical cannabis guardian cardholder may designate up to two
1851 individuals, or an individual and a facility in accordance with Subsection (1)(b), to
1852 serve as a designated caregiver for the cardholder.
1853 (b)(i) A ~~cardholder described in Section 26B-4-213~~ medical cannabis patient
1854 cardholder or medical cannabis guardian cardholder may designate one of the
1855 following types of facilities as one of the caregivers described in Subsection (1)(a):
1856 (A) for a patient or resident, an assisted living facility, as that term is defined in
1857 Section 26B-2-201;
1858 (B) for a patient or resident, a nursing care facility, as that term is defined in
1859 Section 26B-2-201; or
1860 (C) for a patient, a general acute hospital, as that term is defined in Section
1861 26B-2-201.
1862 (ii) A facility may:
1863 (A) assign one or more employees to assist patients with medical cannabis
1864 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 [earegiver] 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 [eardholder described in Seetion 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 subjeet 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 Seetion 63J-1-504, plus the cost of the~~

eriminal background check described in Section 26B-4-215; and] signs an attestation under penalty of perjury that the individual is eligible for a medical cannabis caregiver card under Section 26B-4-246.

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

An eligible applicant for a medical cannabis caregiver card shall:

(a) submit an application for a medical cannabis caregiver card to the department through an electronic application connected to the state electronic verification system; and

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

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

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

(iii) if a medical cannabis guardian cardholder designated the caregiver, the name, gender, and age of the minor receiving a medical cannabis treatment in relation to the medical cannabis guardian cardholder; and

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

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

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

(b) the amount of time remaining before the card of the ~~cardholder described in Section 26B-4-213~~ medical cannabis patient cardholder or medical cannabis guardian cardholder expires.

(a) If a designated caregiver meets the requirements of Subsection (4), the designated caregiver's medical cannabis caregiver card renews automatically at the time the ~~cardholder described in Section 26B-4-213~~ medical cannabis patient cardholder or medical cannabis guardian cardholder who designated the caregiver:

(i) renews the cardholder's card; and

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

(b) The department shall provide a method in the card renewal process to allow a [

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.