

Utah Cannabis Policy: A Historical Overview

Presented to the Utah Legislature's
Health and Human Services Interim Committee
by the Office of Legislative Research and General Counsel
June 20, 2018



Intractable
Epilepsy

...

Cannabidiol

...

THC-limited

...

Physician Statement

2014



IRB-Approved
Studies

...

Cannabidiol

...

THC-limited

Cannabis extracts
or concentrates

...

Not THC-limited

2017



Terminal Illness

•••

Cannabis

•••

THC-limited
(minimum)

•••

Cultivation and processing
by UDAF contractors

•••

Medicinal dosage

•••

Sold by UDAF state
dispensary

•••

Physician
recommendation

•••

Also available for
academic
or medical research

2018



Pilot Project

• • •

Industrial hemp
products

• • •

THC-limited

• • •

Cultivation, processing,
and marketing by UDAF
licensees

• • •

Products registered
with UDAF

2018



Recommended

•••

Hemp extract
products

•••

THC-limited

•••

Manufacturing by UDAF
licensed processors

•••

Medicinal dosage

•••

Determined safe by UDAF

•••

Sold by a cannabidiol-
qualified pharmacy

•••

Physician
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Physician recommendation

2018

Cannabis Policy Enacted by the Utah Legislature, 2014–18

	2014	2015	2016	2017	2018	
					Effective May 8, 2018	Effective July 1, 2019 or upon approval of a federal Controlled Substances Act waiver, whichever is earlier
"Low-THC" Cannabis	<p>H.B. 105, Plant Extract Amendments (Froerer)</p> <ul style="list-style-type: none"> ▪ Possession and use of hemp extract, a controlled substance, authorized for an individual: <ul style="list-style-type: none"> ➢ with intractable epilepsy; ➢ whom a neurologist indicates may benefit from the extract; and ➢ who possesses a hemp extract registration card issued by the Department of Health. ▪ Authorized possession and use of hemp extract limited to extracts meeting specified packaging, labeling, and cannabidiol and THC content requirements. ▪ Department of Agriculture and Food authorized to grow or cultivate industrial hemp for agricultural or academic research. ▪ Institutions of higher education authorized to grow or cultivate industrial hemp for agricultural or academic research, with certification by Department of Agriculture and Food. ▪ Growing or cultivating of industrial hemp limited to activities qualifying as agricultural pilot projects under Section 7606, U.S. Agricultural Act of 2014. 	No legislation	<p>H.B. 58, Hemp Extract Amendments (Froerer)</p> <ul style="list-style-type: none"> ▪ Department of Health required to study the effects of hemp extract use by individuals registered for use with the department. ▪ Minimum cannabidiol content of hemp extract reduced. 	<p>H.B. 130, Cannabinoid Research (Daw)</p> <ul style="list-style-type: none"> ▪ Cannabinoid Product Board created within the Department of Health to evaluate the safety and efficacy of, and develop treatment guidelines for, cannabinoid products (products that contain a cannabis extract or concentrate, have a cannabidiol to THC ratio of at least 10:1, and are prepared in medicinal dosage form). ▪ The processing and possession of cannabinoid products is authorized for studies approved by an institutional review board. <p>S.B. 219, Pharmaceutical Product Amendments (Shiozawa)</p> <ul style="list-style-type: none"> ▪ Cannabidiol present in a drug product approved by the United States Food and Drug Administration is a Schedule V controlled substance under the Utah Controlled Substances Act. 	<p>2018 H.B. 302, Cultivation of Industrial Hemp (Daw)</p> <ul style="list-style-type: none"> ▪ Authorized agricultural pilot projects for growing or cultivating industrial hemp expanded to include processing (which could include the processing of cannabidiol, hemp extract, cannabinoid products, and cannabidiol products, in addition to industrial hemp products). ▪ Purposes of authorized agricultural pilot projects expanded to include market research. ▪ Department of Agriculture and Food authorized to license individuals and businesses to grow, cultivate, process, or market industrial hemp or industrial hemp products. ▪ Department of Agriculture and Food required to define the type of industrial hemp products eligible for transfer, distribution, or sale to the public. ▪ Department of Agriculture and Food authorized to confirm by testing claims made about industrial hemp products. <p>2018 S.B. 130, Cannabidiol Product Act (Vickers)</p> <ul style="list-style-type: none"> ▪ Department of Agriculture and Food is directed to seek a waiver from the federal Controlled Substances Act for cannabidiol products produced in accordance with Utah law. ▪ Testing, labeling, and other standards for cannabidiol products are established by Department of Agriculture and Food. 	<p>2018 S.B. 130, Cannabidiol Product Act (Vickers)</p> <ul style="list-style-type: none"> ▪ The manufacturing, sale, purchase, possession, and use of cannabidiol products is authorized under specified circumstances. ▪ The sale, purchase, possession, and use of cannabidiol products is limited to products that are determined by Department of Agriculture and Food to be safe for human consumption; <ul style="list-style-type: none"> ➢ sold in medicinal dosage form; ➢ sold to a person with a physician's recommendation; and ➢ sold by a cannabidiol-qualified pharmacy. The dispensing of a cannabidiol product is logged in the state's controlled substance database. ▪ Safety, packaging, and other standards for cannabidiol products are established by Department of Agriculture and Food. ▪ Cannabidiol manufacturers ("processors") are licensed and subject to regulatory oversight by Department of Agriculture and Food. ▪ Cannabidiol laboratories are licensed and subject to regulatory oversight by Department of Agriculture and Food. ▪ Cannabidiol products are exempt from sales and use tax but subject to a 5.77% tax on the amount charged or paid, used to fund the state's cost of regulating cannabidiol products, including conducting investigations and other enforcement activities.
	"High-THC" Cannabis	No legislation	No legislation	No legislation	<p>H.B. 130, Cannabinoid Research (Daw)</p> <ul style="list-style-type: none"> ▪ The processing and possession of expanded cannabinoid products (which are the same as cannabinoid products, but with a cannabidiol to THC ratio less than 10) are authorized for studies approved by an institutional review board. 	<p>H.B. 197, Cannabis Cultivation Amendments (Daw)</p> <ul style="list-style-type: none"> ▪ Department of Agriculture and Food required by January 1, 2019, to ensure: <ul style="list-style-type: none"> ➢ the cultivation of cannabis in the state for academic or medical research purposes; and ➢ that cannabis cultivated in the state may be processed into a medicinal dosage form. (Cultivation and processing may be outsourced by Department of Agriculture and Food to private entities.) ▪ Department of Agriculture and Food required by July 1, 2019, to establish a state dispensary to sell cannabis processed into medicinal dosages to the following: <ul style="list-style-type: none"> ➢ qualified academic research institutions; ➢ qualified medical research institutions; and ➢ terminally ill patients with a physician recommendation under the Utah Right to Try Act. ▪ Department of Agriculture and Food required to set cannabis prices. <p>H.B. 195, Medical Cannabis Policy (Daw)</p> <ul style="list-style-type: none"> ▪ Utah Right to Try Act expanded to include the use of cannabis grown by a state approved grower and processed into a medicinal dosage form. ▪ A physician may recommend up to a one-month supply of medicinal dosage form cannabis for up to 25 terminally ill patients expected to die within six months. ▪ A recommendation may be renewed as long as the physician believes the cannabis may benefit the patient. ▪ A patient with a physician recommendation may obtain cannabis from a [state dispensary]. ▪ Physicians exempted from liability and provided other legal protections for recommending or not recommending a cannabis-based treatment. <p>H.B. 25, Cannabinoid Product Board Membership Amendments (Daw)</p> <ul style="list-style-type: none"> ▪ The Cannabinoid Product Board's duties are expanded to include evaluation of the safety and efficacy of, and development of treatment guidelines for, expanded cannabinoid products (which are the same as cannabinoid products, but with a cannabidiol to THC ratio less than 10).

Source: Office of Legislative Research and General Counsel, 6/14/18. This chart is a summary of selected provisions.