

Unseen Marijuana Initiative Amendments

Repeal by Implication Due to Use of Outdated Code

| September 20, 2016



Although Proposition 2 enacts mostly new language, it amends nine existing sections of the Utah Code. However, the initiative drafter based those amendments on outdated versions of those sections. Consequently, if voters approve the initiative in this form, any modifications the Legislature made to those sections in the past several years would be repealed by implication, replaced with the amended outdated sections. This list briefly identifies the various impacts of the use of the outdated code:

- Land Use (10-9a-104 and 17-27a-104)
 - o Limits a restriction on local government authority to enact land use standards
- Cannabinoid Product Board (26-61-202)
 - o Although outdated, the amendments largely fit within this section of code
- Custody of children in case of separation or divorce – Custody consideration (30-3-10)
 - o Changes “married couple” to “husband and wife” and “parent” to “mother or father”
 - o Reverses a prohibition on the court considering a parent’s disability, shifting to the disabled parent the burden of rebutting evidence arising from the disability
 - o Repeals an instruction to courts on proper standards for determining issues involving custodial responsibility in case of a deployment of a parent who is a servicemember
- Reporting by purchaser of certain sales and use tax exempt purchases (59-12-104.7)
 - o Repeals a reporting requirement regarding certain sales and use tax exemptions
- Caseworkers entering home of or taking a child (62A-4a-202.1)
 - o Consequential typographical error: provision allowing a caseworker to take certain action described in a non-existent subsection when accompanied by a peace officer
- Repeal dates in Title 26 (63I-1-226)
 - o Repeals the repeal date for Section 26-1-40 (anesthesia reports and whistleblowers)
 - o Repeals the repeal date for Subsection 26-18-417(3) (report for a Medicaid waiver)
 - o Inserts a repeal date for Section 26-21-23, which has already been repealed
 - o Immediately repeals Title 26, Chapter 36a, Hospital Provider Assessment Act, by amending the repeal date to July 1, 2016
 - o Repeals the repeal date for Title 26, Chapter 36b, Inpatient Hospital Assessment Act
 - o Repeals the repeal date for Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act
 - o Inserts a repeal date for Section 26-38-2.5, which has already been repealed
 - o Inserts a repeal date for Section 26-38-2.6, which has already been repealed
 - o Repeals the repeal date for Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success
- Repeal dates in Title 58 (63I-1-258)
 - o Immediately repeals Title 58, Chapter 20a, Environmental Health Scientist Act, by amending the repeal date to July 1, 2018
 - o Repeals the repeal date for Subsection 58-37-6(7)(f)(iii) (limiting prescribable opiates)
 - o Repeals the repeal date for Title 58, Chapter 86, State Certification of Commercial Interior Designers Act
 - o Repeals the repeal date for Sections 58-5a-502, 58-31b-502.5, 58-67-502.5, 58-68-502.5, and 58-69-502.5 (unprofessional conduct for various medical practitioners)