

1 **UTAH MEDICAL CANNABIS ACT**

2 2018 THIRD SPECIAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill provides for the cultivation, processing, medical recommendation, and patient use of  
8 medical cannabis.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines terms;
- 12 ▶ provides for licensing and regulation of a cannabis cultivation facility, a  
13 cannabis processing facility, an independent cannabis testing laboratory, and a  
14 medical cannabis pharmacy;
- 15 ▶ provides for security and tracking of **medical** cannabis and a **medical** cannabis  
16 product from cultivation to **consumption** use to ensure safety and chemical content;
- 17 ▶ requires certain labeling and childproof packaging of **medical** cannabis and a  
18 **medical** cannabis product;
- 19 ▶ requires the Department of Agriculture and Food, the Department of Health, the  
20 Department of Public Safety, and the Department of Technology Services to create  
21 an electronic verification system to facilitate recommendation, dispensing, and  
22 record-keeping for medical cannabis transactions;
- 23 ▶ allows an individual with a qualifying condition to obtain a medical cannabis  
24 **patient** card on the recommendation of a certain medical professional to gain access  
25 to medical cannabis;
- 26 ▶ allows a patient to designate a caregiver to assist with accessing medical  
27 cannabis;
- 28 ▶ provides ~~that~~ for a parent or legal guardian ~~is~~ to obtain a medical cannabis  
29 **guardian** card for an eligible minor patient and for the ~~designated caregiver for a~~  
30 ~~minor~~ minor patient to concurrently receive a provisional patient card;

- 31 ▶ provides certain housing and state employment discrimination protection for an
- 32 individual who lawfully uses medical cannabis;
- 33 ▶ limits the form and amount of medical cannabis available to a patient at one
- 34 time;
- 35 ▶ prohibits a minor from entering a medical cannabis pharmacy;
- 36 ~~creates~~ ▶ requires the Department of Health to establish the state central
- 37 fill medical cannabis pharmacy;
- 38 ▶ provides for a process of state central fill shipment of medical cannabis and
- 39 cannabis product to a local health department for patient retrieval;
- 40 ▶ imposes ~~heightened~~ criminal penalties for improperly giving or selling medical
- 41 cannabis, ~~including to a minor~~;
- 42 ▶ creates an affirmative defense to prosecution for certain individuals before the
- 43 medical cannabis card program ~~is~~ and medical cannabis pharmacies are operational;
- 44 ▶ creates protections from state prosecution for the lawful possession, use, and
- 45 sale of medical cannabis;
- 46 ▶ prohibits a court from considering the lawful use of medical cannabis in a
- 47 custody proceeding;
- 48 ▶ repeals superfluous sections related to authorized use of cannabis or a cannabis
- 49 product; ~~and~~
- 50 ▶ provides a severability clause; and
- 51 ▶ makes technical and conforming changes.

52 **Money Appropriated in this Bill:**

53 None

54 **Other Special Clauses:**

55 ~~None~~

56 This bill provides a special effective date.

57 This bill provides revisor instructions.

58 **Utah Code Sections Affected:**

59 AMENDS:

60 **4-41-102**, as last amended by Laws of Utah 2018, Chapters 227 and 452

61 **4-41-202**, as enacted by Laws of Utah 2018, Chapter 446

62 **7-1-401**, as last amended by Laws of Utah 2018, Chapter 446

63 **10-9a-104**, as last amended by Laws of Utah 2017, Chapter 84  
64 **17-27a-104**, as last amended by Laws of Utah 2017, Chapter 84  
65 **26-61-202**, as last amended by Laws of Utah 2018, Chapter 110  
66 **30-3-10**, as last amended by Laws of Utah 2017, Chapters 67 and 224  
67 **41-6a-517 (Superseded 07/01/19)**, as last amended by Laws of Utah 2017, Chapter 446  
68 **41-6a-517 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452  
69 **49-11-1401**, as last amended by Laws of Utah 2018, Chapter 61  
70 **58-17b-302**, as last amended by Laws of Utah 2014, Chapter 72  
71 **58-17b-310**, as enacted by Laws of Utah 2004, Chapter 280  
72 **58-17b-502**, as last amended by Laws of Utah 2018, Chapter 295  
73 **58-37-3.6 (Superseded 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333 and  
74 446  
75 **58-37-3.6 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333, 446, and  
76 452  
77 **58-67-304**, as last amended by Laws of Utah 2018, Chapters 282 and 318  
78 **58-67-502**, as last amended by Laws of Utah 2017, Chapter 299  
79 **58-68-502**, as last amended by Laws of Utah 2017, Chapter 299  
80 **58-85-102**, as last amended by Laws of Utah 2018, Chapter 333  
81 **58-85-104**, as last amended by Laws of Utah 2018, Chapter 333  
82 **58-85-105**, as last amended by Laws of Utah 2018, Chapter 333  
83 ~~**59-12-104.9 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452~~  
84 **62A-4a-202.1**, as last amended by Laws of Utah 2012, Chapters 221 and 293  
85 **67-19-33**, as last amended by Laws of Utah 2006, Chapter 139  
86 **78A-6-508 (Superseded 07/01/19)**, as last amended by Laws of Utah 2014, Chapter 409  
87 **78A-6-508 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452  
88 ENACTS:  
89 **4-41b-101**, Utah Code Annotated 1953  
90 **4-41b-102**, Utah Code Annotated 1953  
91 **4-41b-103**, Utah Code Annotated 1953  
92 **4-41b-104**, Utah Code Annotated 1953  
93 **4-41b-105**, Utah Code Annotated 1953  
94 **4-41b-201**, Utah Code Annotated 1953

95 **4-41b-202**, Utah Code Annotated 1953  
96 **4-41b-203**, Utah Code Annotated 1953  
97 **4-41b-204**, Utah Code Annotated 1953  
98 **4-41b-205**, Utah Code Annotated 1953  
99 **4-41b-301**, Utah Code Annotated 1953  
100 ~~**4-41b-302**, Utah Code Annotated 1953~~  
101 ~~**4-41b-303**~~, Utah Code Annotated 1953  
102 **4-41b-401**, Utah Code Annotated 1953  
103 **4-41b-402**, Utah Code Annotated 1953  
104 **4-41b-403**, Utah Code Annotated 1953  
105 **4-41b-404**, Utah Code Annotated 1953  
106 **4-41b-405**, Utah Code Annotated 1953  
107 **4-41b-406**, Utah Code Annotated 1953  
108 **4-41b-501**, Utah Code Annotated 1953  
109 **4-41b-502**, Utah Code Annotated 1953  
110 **4-41b-601**, Utah Code Annotated 1953  
111 **4-41b-602**, Utah Code Annotated 1953  
112 **4-41b-603**, Utah Code Annotated 1953  
113 **4-41b-701**, Utah Code Annotated 1953  
114 **4-41b-702**, Utah Code Annotated 1953  
115 **4-41b-801**, Utah Code Annotated 1953  
116 **4-41b-802**, Utah Code Annotated 1953  
117 **26-61b-101**, Utah Code Annotated 1953  
118 **26-61b-102**, Utah Code Annotated 1953  
119 **26-61b-103**, Utah Code Annotated 1953  
120 **26-61b-104**, Utah Code Annotated 1953  
121 **26-61b-105**, Utah Code Annotated 1953  
122 **26-61b-106**, Utah Code Annotated 1953  
123 **26-61b-107**, Utah Code Annotated 1953  
124 **26-61b-108**, Utah Code Annotated 1953  
125 **26-61b-109**, Utah Code Annotated 1953  
126 **26-61b-110**, Utah Code Annotated 1953

127 **26-61b-111**, Utah Code Annotated 1953  
128 **26-61b-112**, Utah Code Annotated 1953  
129 **26-61b-113**, Utah Code Annotated 1953  
130 **26-61b-114**, Utah Code Annotated 1953  
131 **26-61b-201**, Utah Code Annotated 1953  
132 **26-61b-202**, Utah Code Annotated 1953  
133 **26-61b-203**, Utah Code Annotated 1953  
134 **26-61b-204**, Utah Code Annotated 1953  
135 **26-61b-205**, Utah Code Annotated 1953  
136 **26-61b-301**, Utah Code Annotated 1953  
137 **26-61b-302**, Utah Code Annotated 1953  
138 **26-61b-303**, Utah Code Annotated 1953  
139 **26-61b-304**, Utah Code Annotated 1953  
140 **26-61b-305**, Utah Code Annotated 1953  
141 **26-61b-401**, Utah Code Annotated 1953  
142 **26-61b-402**, Utah Code Annotated 1953  
143 **26-61b-403**, Utah Code Annotated 1953  
144 ~~**26-61b-404**, Utah Code Annotated 1953~~  
145 **26-61b-501**, Utah Code Annotated 1953  
146 **26-61b-502**, Utah Code Annotated 1953  
147 **26-61b-503**, Utah Code Annotated 1953  
148 **26-61b-504**, Utah Code Annotated 1953  
149 **26-61b-505**, Utah Code Annotated 1953  
150 **26-61b-506**, Utah Code Annotated 1953  
151 **26-61b-507**, Utah Code Annotated 1953  
152 **26-61b-601**, Utah Code Annotated 1953  
153 **26-61b-602**, Utah Code Annotated 1953  
154 **26-61b-603**, Utah Code Annotated 1953  
155 **26-61b-604**, Utah Code Annotated 1953  
156 **26-61b-605**, Utah Code Annotated 1953  
157 **26-61b-606**, Utah Code Annotated 1953  
158 **26-61b-607**, Utah Code Annotated 1953

159 **26-61b-608**, Utah Code Annotated 1953

160 **26-61b-609**, Utah Code Annotated 1953

161 **26-61b-610**, Utah Code Annotated 1953

162 **26-61b-611**, Utah Code Annotated 1953

163 **26-61b-701**, Utah Code Annotated 1953

164 **26-61b-702**, Utah Code Annotated 1953

165 **26-61b-703**, Utah Code Annotated 1953

166 **53-1-106.5**, Utah Code Annotated 1953

167 **58-37-3.7**, Utah Code Annotated 1953

168 **58-37-3.8**, Utah Code Annotated 1953

169 **58-37-3.9**, Utah Code Annotated 1953

170 **59-12-104.10**, Utah Code Annotated 1953

171 **62A-3-322**, Utah Code Annotated 1953

172 REPEALS:

173 ~~4-41-201~~, as enacted by Laws of Utah 2018, Chapter 446

174 ~~4-41-202~~, as enacted by Laws of Utah 2018, Chapter 446

175 ~~4-41-203~~, as enacted by Laws of Utah 2018, Chapter 446

176 ~~4-41-204~~, as enacted by Laws of Utah 2018, Chapter 446

177 **4-41-301**, as enacted by Laws of Utah 2018, Chapter 446

178 **4-41-302**, as enacted by Laws of Utah 2018, Chapter 446

179 **4-41-304**, as enacted by Laws of Utah 2018, Chapter 446

180 **4-43-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

181 **4-43-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

182 **4-43-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

183 **4-43-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

184 **4-43-203 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

185 **4-43-301 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

186 **4-43-401 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

187 **4-43-402 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

188 **4-43-501 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

189 **4-43-502 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

190 **4-43-503 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

191 **4-43-601 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
192 **4-43-602 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
193 **4-43-701 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
194 **4-43-702 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
195 **4-43-703 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
196 **4-43-801 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
197 **26-65-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
198 **26-65-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
199 **26-65-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
200 **26-65-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
201 **26-65-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
202 **58-67-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
203 **58-68-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
204 **58-85-103.5**, as enacted by Laws of Utah 2018, Chapter 333  
205 **58-88-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
206 **58-88-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
207 **58-88-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
208 **58-88-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
209 **59-12-104.9 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
210 **59-29-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
211 **59-29-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
212 **59-29-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
213 **59-29-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
214 **59-29-105 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
215 **59-29-106 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
216 **59-29-107 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
217 **59-29-108 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
218 **Utah Code Sections Affected by Revisor Instructions:**  
219 **4-41b-105**, Utah Code Annotated 1953  
220 **26-61b-114**, Utah Code Annotated 1953  
221  
222 *Be it enacted by the Legislature of the state of Utah:*

223 Section 1. Section **4-41-102** is amended to read:

224 **4-41-102. Definitions.**

225 ~~For purposes of~~ As used in this chapter:

226 ~~{(1) "Agricultural pilot program" means a program to study the growth, cultivation, or~~  
227 ~~marketing of industrial hemp.}~~

228 ~~{(2) (1) "Cannabidiol product" means a chemical compound extracted from [a hemp~~  
229 ~~product] cannabis that:~~

230 (a) is processed into a medicinal dosage form; and

231 (b) contains less than 0.3% tetrahydrocannabinol by dry weight ~~[before processing and~~  
232 ~~no more than a 10:1 ratio of cannabidiol to tetrahydrocannabinol after processing.]~~.

233 ~~{(3) (2) "Industrial hemp" means any part of a cannabis plant, whether growing or~~  
234 ~~not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.~~

235 ~~{(4) (3) "Industrial hemp certificate" means a certificate issued by the department to a~~  
236 ~~higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).~~

237 ~~{(5) (4) "Industrial hemp license" means a license issued by the department to a~~  
238 ~~person for the purpose of participating in a research pilot program.~~

239 ~~{(6) (5) "Industrial hemp product" means a product derived from, or made by,~~  
240 ~~processing industrial hemp plants or industrial hemp parts.~~

241 ~~{(7) (6) "Licensee" means an individual or business entity possessing a license issued~~  
242 ~~by the department under this chapter to grow, cultivate, process, or market industrial hemp or~~  
243 ~~an industrial hemp product.~~

244 ~~{(8) (7) "Medicinal dosage form" means [the same as that term is defined in Section~~  
245 ~~{26-65-102} 26-61b-102a tablet, capsule, concentrated oil, sublingual, topical, transdermal, or~~  
246 ~~cube that is designed for ingestion through chewing or holding in the mouth for slow~~  
247 ~~dissolution.~~

248 ~~{(9) (8) "Person" means:~~

249 (a) an individual, partnership, association, firm, trust, limited liability company, or  
250 corporation; and

251 (b) an agent or employee of an individual, partnership, association, firm, trust, limited  
252 liability company, or corporation.

253 ~~{(10) (9) "Research pilot program" means a program conducted by the department in~~  
254 ~~collaboration with at least one licensee to study methods of cultivating, processing, or~~



255 marketing industrial hemp.

256 Section 2. Section **4-41-202** is amended to read:

257 **4-41-202. Definitions.**

258 As used in this part[:(1)], "Cannabis" means any part of a cannabis plant, whether  
259 growing or not, with tetrahydrocannabinol content greater than 0.3%.

260 ~~[(2) "Medicinal dosage form" means the same as that term is defined in Section 58-37-~~  
261 ~~3.6.]~~

262 Section 3. Section **4-41b-101** is enacted to read:

263 **CHAPTER 41b. CANNABIS PRODUCTION ESTABLISHMENTS**

264 **Part 1. General Provisions**

265 **4-41b-101. Title.**

266 This chapter is known as "Cannabis Production Establishments."

267 Section ~~34~~. Section **4-41b-102** is enacted to read:

268 **4-41b-102. Definitions.**

269 As used in this chapter:

270 (1) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

271 (2) "Cannabis cultivation facility" means a person that:

272 (a) possesses cannabis;

273 (b) grows or intends to grow cannabis; and

274 (c) sells or intends to sell cannabis to a cannabis cultivation facility or a cannabis  
275 processing facility.

276 (3) "Cannabis cultivation facility agent" means an individual who:

277 (a) is an employee of a cannabis cultivation facility; and

278 (b) holds a valid cannabis production establishment agent registration card.

279 (4) "Cannabis processing facility" means a person that:

280 (a) acquires or intends to acquire cannabis from a cannabis production establishment or  
281 a holder of an industrial hemp license under Title 4, Chapter 41, Hemp and Cannabidiol Act;

282 (b) possesses cannabis with the intent to manufacture a cannabis product;

283 (c) manufactures or intends to manufacture a cannabis product from unprocessed  
284 cannabis or a cannabis extract; and

285 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or the  
286 state central fill medical cannabis pharmacy.

287 (5) "Cannabis processing facility agent" means an individual who:  
288 (a) is an employee of a cannabis processing facility; and  
289 (b) holds a valid cannabis production establishment agent registration card.  
290 (6) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.  
291 (7) "Cannabis production establishment" means a cannabis cultivation facility, a  
292 cannabis processing facility, or an independent cannabis testing laboratory.  
293 (8) "Cannabis production establishment agent" means a cannabis cultivation facility  
294 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory  
295 agent.  
296 (9) "Cannabis production establishment agent registration card" means a registration  
297 card that the department issues that:  
298 (a) authorizes an individual to act as a cannabis production establishment agent; and  
299 (b) designates the type of cannabis production establishment for which an individual is  
300 authorized to act as an agent.  
301 (10) "Department" means the Department of Agriculture and Food.  
302 (11) "Family member" means a parent, spouse, child, sibling, uncle, aunt, nephew,  
303 niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law,  
304 daughter-in-law, grandparent, or grandchild.  
305 (12) "Independent cannabis testing laboratory" means a person that:  
306 (a) conducts a chemical or other analysis of cannabis or a cannabis product; or  
307 (b) acquires, possesses, or transports cannabis or a cannabis product with the intent to  
308 conduct a chemical or other analysis of the cannabis or cannabis product.  
309 (13) "Independent cannabis testing laboratory agent" means an individual who:  
310 (a) is an employee of an independent cannabis testing laboratory; and  
311 (b) holds a valid cannabis production establishment agent registration card.  
312 (14) "Inventory control system" means a system described in Section 4-41b-103.  
313 (15) "Medical cannabis ~~card~~" means the same as that term is defined in Section 26-  
314 61b-102.  
315 (16) "Medical cannabis card" means the same as that term is defined in Section 26-  
316 61b-102.  
317 (17) "Medical cannabis pharmacy" means the same as that term is defined in Section  
318 26-61b-102.

319 (1718) "Medical cannabis pharmacy agent" means the same as that term is defined in  
320 Section 26-61b-102.

321 (1819) "Medical Cannabis Restricted Account" means the account created in Section  
322 26-61b-109.

323 (1920) "Medicinal dosage form" means the same as that term is defined in Section 26-  
324 61b-102.

325 (2021) "Qualified medical provider" means the same as that term is defined in Section  
326 26-61b-102.

327 (2122) "State central fill agent" means the same as that term is defined in Section 26-  
328 61b-102.

329 (2223) "State central fill medical cannabis pharmacy" means the same as that term is  
330 defined in Section 26-61b-102.

331 (2324) "State central fill shipment" means the same as that term is defined in Section  
332 26-61b-102.

333 (2425) "State electronic verification system" means the system described in Section  
334 26-61b-103.

335 (2526) "Tetrahydrocannabinol" means a substance derived from cannabis or a  
336 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

337 (27) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and  
338 tetrahydrocannabinolic acid.

339 Section 45. Section **4-41b-103** is enacted to read:

340 **4-41b-103. Inventory control system.**

341 (1) Each cannabis production establishment, each medical cannabis pharmacy, and the  
342 state central fill medical cannabis pharmacy shall maintain an inventory control system that  
343 meets the requirements of this section.

344 (2) A cannabis production establishment, a medical cannabis pharmacy, and the state  
345 central fill medical cannabis pharmacy shall ensure that the inventory control system

346 that maintained by the establishment or pharmacy maintains:

347 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis  
348 plant is eight inches tall and has a root ball until the cannabis is disposed of or sold, in the form  
349 of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card;

350 (b) stores in real time a record of the amount of cannabis and cannabis products in the

351 possession of the establishment or pharmacy;  
352 (c) includes a video-recording system that:  
353 (i) tracks all handling and processing of cannabis or a cannabis product in the  
354 establishment or pharmacy;  
355 (ii) is tamper proof; and  
356 (iii) stores a video record for 45 days; and  
357 (d) preserves compatibility with the state electronic verification system described in  
358 Section 26-61b-103.

359 (3) A cannabis production establishment, a medical cannabis pharmacy, and the state  
360 central fill medical cannabis pharmacy shall allow the department or the Department of Health  
361 access to the cannabis production establishment's, medical cannabis pharmacy's, or state  
362 central fill medical cannabis pharmacy's inventory control system at any time.

363 (4) The department may establish compatibility standards for an inventory control  
364 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
365 Rulemaking Act.

366 Section 56. Section **4-41b-104** is enacted to read:

367 **4-41b-104. Preemption.**

368 This chapter preempts any ordinance or rule that a political subdivision enacts  
369 regarding a cannabis production establishment.

370 Section 67. Section **4-41b-105** is enacted to read:

371 **4-41b-105. Severability clause.**

372 (1) If a final decision of a court of competent jurisdiction holds invalid any provision  
373 of this title or this bill or the application of any provision of this title or this bill to any person  
374 or circumstance, the remaining provisions of this title and this bill remain effective without the  
375 invalidated provision or application.

376 (2) The provisions of this title and this bill are severable.

377 Section 8. Section **4-41b-201** is enacted to read:

378 **Part 2. Cannabis Production Establishment**

379 **4-41b-201. Cannabis production establishment -- License.**

380 (1) A person may not operate a cannabis production establishment without a license  
381 that the department issues under this chapter.

382 (2) Subject to Subsections (6) and (7) and Section 4-41b-2045, the department shall,

383 within 90 days after the day on which the department receives a complete application, issue a  
384 license to operate a cannabis production establishment to the applicant if the applicant submits  
385 to the department:

386 (a) a proposed name and address, located in a zone described in Subsection 4-41b-  
387 406(1)(a) or (b), where the applicant will operate the cannabis production establishment;

388 (b) the name and address of any individual who:

389 (i) has a financial or voting interest of 2% or greater in the proposed cannabis  
390 production establishment; or

391 (ii) has the power to direct the management or control of a proposed ~~medical~~ cannabis  
392 production establishment;

393 (c) an operating plan that:

394 (i) complies with Section 4-41b-2034;

395 (ii) includes operating procedures that comply with this chapter and any law the  
396 municipality or county adopts in which the person is located that is consistent with Section 4-  
397 41b-406; and

398 (iii) the department approves;

399 (d) financial statements demonstrating that the applicant possesses a minimum of:

400 (i) \$250,000 in liquid assets available for each cannabis cultivation facility for which  
401 the applicant applies; or

402 (ii) \$50,000 in liquid assets available for each cannabis processing facility or  
403 independent cannabis testing laboratory for which the applicant applies;

404 (e) if the municipality or county where the proposed cannabis production establishment  
405 would be located requires a local permit or license, a copy of the applicant's application for the  
406 local permit or license; and

407 (f) an application fee in an amount that the department sets in accordance with Section  
408 63J-1-504.

409 (3) If the department approves an application for a license under this section:

410 (a) the applicant shall pay the department an initial license fee in an amount that the  
411 department sets in accordance with Section 63J-1-504-; and

412 (b) the department shall notify the Department of Public Safety of the license approval  
413 and the names of each individual described in Subsection (2)(b).

414 (4) Except as provided in Subsection (5), the department shall require a separate

415 license for each type of cannabis production establishment and each location of a cannabis  
416 production establishment.

417 (5) The department may issue a cannabis cultivation facility license and a cannabis  
418 processing facility license to a person to operate at the same physical location or at separate  
419 physical locations.

420 (6) The department may not issue a license to operate an independent cannabis testing  
421 laboratory to a person who:

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

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

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

430 (7) The department may not issue a license to operate a cannabis production  
431 establishment to an applicant if any individual described in Subsection (2)(b):

432 (a) has been convicted of an offense that is a felony under state or federal law; or

433 (b) is younger than 21 years old.

434 (8) The department may revoke a license under this part:

435 (a) if the cannabis production establishment does not begin cannabis production  
436 operations within one year after the day on which the department issues the initial license;

437 (b) after the cannabis production establishment makes the same ~~class of~~ violation of  
438 this chapter three times; or

439 (c) if ~~the owner or operator of the cannabis production establishment~~any individual  
440 described in Subsection (2)(b) is convicted, ~~between renewals,~~ of a felony while the license is  
441 active.

442 (9) The department shall deposit the proceeds of a fee imposed under this section into  
443 the Medical Cannabis Restricted Account.

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

446 Section ~~79~~. Section **4-41b-202** is enacted to read:

447 ~~4-41b-202.~~ 4-41b-202. **Cannabis production establishment owners and**  
448 **directors -- Criminal background checks.**

449 (1) At the time of application, an applicant for a license as a cannabis production  
450 establishment shall submit the following information regarding an individual described in  
451 Subsection (2):

452 (a) a fingerprint card in a form acceptable to the department; and

453 (b) consent to a fingerprint background check by the Utah Bureau of Criminal  
454 Identification and the Federal Bureau of Investigation, including registration in the FBI Rap  
455 Back System, as that term is defined in Section 53-10-108.

456 (2) An applicant shall submit the information described in Subsection (1) regarding  
457 each individual who has:

458 (a) a financial or voting interest of 2% or greater in the applicant; or

459 (b) the power to direct or cause the management or control of the applicant.

460 (3) The department shall request that the Department of Public Safety complete a  
461 Federal Bureau of Investigation criminal background check for each individual described in  
462 Subsection (2).

463 (4) The Department of Public Safety shall:

464 (a) (i) complete a Federal Bureau of Investigation criminal background check for each  
465 individual who is the subject of a department request under Subsection (3); and

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

467 (b) register each individual the department reports in relation to a license application  
468 approval under Subsection 4-41b-201(3)(b) in the FBI Rap Back System, as that term is  
469 defined in Section 53-10-108.

470 Section 10. Section **4-41b-203** is enacted to read:

471 **4-41b-203. Renewal.**

472 The department shall renew a license issued under Section 4-41b-201 every two years  
473 if, at the time of renewal:

474 (1) the licensee meets the requirements of Section 4-41b-201;

475 (2) the licensee pays the department a license renewal fee in an amount the department  
476 sets in accordance with Section 63J-1-504; and

477 (3) if the cannabis production establishment changes the operating plan described in  
478 Section 4-41b-203~~4~~ that the department approved under Subsection 4-41b-201(2)(c), the

479 department approves the new operating plan.

480 Section 811. Section ~~4-41b-2034~~ is enacted to read:

481 **4-41b-2034. Operating plan.**

482 (1) A person applying for a cannabis production establishment license or license  
483 renewal shall submit to the department for the department's review a proposed operating plan  
484 that includes:

485 (a) a description of the physical characteristics of the proposed facility, including a  
486 floor plan and an architectural elevation;

487 (b) a description of the credentials and experience of:

488 (i) each officer, director, and owner of the proposed cannabis production  
489 establishment; and

490 (ii) any highly skilled or experienced prospective employee;

491 (c) the cannabis production establishment's employee training standards;

492 (d) a security plan;

493 (e) a description of the cannabis production establishment's inventory control system,  
494 including a description of how the inventory control system is compatible with the state  
495 electronic verification system described in Section 26-61b-103;

496 (f) for a cannabis cultivation facility, the information described in Subsection (2);

497 (g) for a cannabis processing facility, the information described in Subsection (3); and

498 (h) for an independent cannabis testing laboratory, the information described in  
499 Subsection (4).

500 (2) A cannabis cultivation facility shall ensure that the facility's operating plan includes  
501 the facility's intended cannabis cultivation practices, including the facility's intended pesticide  
502 use, fertilizer use, square footage under cultivation, and anticipated cannabis yield.

503 (3) A cannabis processing facility's operating plan shall include the facility's intended  
504 cannabis processing practices, including the cannabis processing facility's intended:

505 (a) offered variety of cannabis product;

506 (b) cannabinoid extraction method;

507 (c) cannabinoid extraction equipment;

508 (d) processing equipment;

509 (e) processing techniques; and

510 (f) sanitation and ~~food~~ manufacturing safety procedures for items for human



511 consumption.

512 (4) An independent cannabis testing laboratory's operating plan shall include the  
513 laboratory's intended ~~cannabis and cannabis product testing capability and cannabis and~~  
514 cannabis product testing equipment.:

515 (a) cannabis and cannabis product testing capability;

516 (b) cannabis and cannabis product testing equipment; and

517 (c) testing methods, standards, practices, and procedures for testing cannabis and  
518 cannabis products.

519 Section 912. Section **4-41b-2045** is enacted to read:

520 **4-41b-2045. Number of licenses -- Cannabis cultivation facilities.**

521 (1) Except as provided in Subsection (2), the department may not issue more than 15  
522 licenses to operate cannabis cultivation facilities.

523 (2) After January 1, 2022, the department may issue up to five licenses to operate a  
524 cannabis cultivation facility in addition to the 15 licenses described in Subsection (1) if the  
525 department determines, after an analysis of the current and anticipated market for cannabis in a  
526 medicinal dosage form and cannabis products in a medicinal dosage form, that an additional  
527 license is necessary to provide an adequate supply, quality, or variety of cannabis in a  
528 medicinal dosage form and cannabis product in a medicinal dosage form to medical cannabis  
529 cardholders.

530 (3) If there are more qualified applicants than the number of available licenses for  
531 cannabis cultivation facilities under Subsections (1) and (2), the department shall evaluate the  
532 applicants and award the limited number of licenses described in Subsections (1) and (2) to the  
533 applicants that best demonstrate:

534 (a) experience with establishing and successfully operating a business that involves:

535 (i) complying with a regulatory environment;

536 (ii) tracking inventory; and

537 (iii) training, evaluating, and monitoring employees;

538 (b) an operating plan that will best ensure the safety and security of patrons and the  
539 community;

540 (c) positive connections to the local community; and

541 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a  
542 medicinal dosage form or cannabis products in a medicinal dosage form.

543 (4) The department may conduct a face-to-face interview with an applicant for a  
544 license that the department evaluates under Subsection (3).

545 Section ~~4013~~. Section **4-41b-301** is enacted to read:

546 **Part 3. Cannabis Production Establishment Agents**

547 **4-41b-301. Cannabis production establishment agent -- Registration.**

548 (1) An individual may not act as a cannabis production establishment agent unless the  
549 department registers the individual as a cannabis production establishment agent.

550 (2) The following individuals, regardless of the individual's status as a qualified  
551 medical provider, may not serve as a cannabis production establishment agent:

552 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
553 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

554 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act.

555 (3) An independent cannabis testing laboratory agent may not act as an agent for a  
556 medical cannabis pharmacy, the state central fill medical cannabis pharmacy, a cannabis  
557 processing facility, or a cannabis cultivation facility.

558 (4) The department shall, within 15 business days after the day on which the  
559 department receives a complete application from a cannabis production establishment on  
560 behalf of a prospective cannabis production establishment agent, register and issue a cannabis  
561 production establishment agent registration card to the prospective agent if the cannabis  
562 production establishment:

563 (a) provides to the department the prospective agent's name and address and the name  
564 and location of a licensed cannabis production establishment where the prospective agent will  
565 act as the cannabis production establishment's agent; and

566 (b) pays a fee to the department in an amount that the department sets in accordance  
567 with Section 63J-1-504.

568 (5) The department shall designate on an individual's cannabis production  
569 establishment agent registration card:

570 (a) the name of the cannabis production establishment where the individual is  
571 registered as an agent; and

572 (b) the type of cannabis production establishment for which the individual is  
573 authorized to act as an agent.

574 (6) A cannabis production establishment agent shall comply with:

575 (a) a certification standard that the department develops; or  
576 (b) a third-party certification standard that the department designates by rule, in  
577 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

578 (7) The department shall ensure that the certification standard described in Subsection  
579 (6) includes training:

580 (a) in Utah medical cannabis law;

581 (b) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

582 (c) for a cannabis processing facility agent, in cannabis processing, ~~food~~  
583 ~~safety~~ manufacturing safety procedures for items for human consumption, and sanitation best  
584 practices; and

585 (d) for an independent cannabis testing laboratory agent, in cannabis testing best  
586 practices.

587 (8) For an individual who holds or applies for a cannabis production establishment  
588 agent registration card:

589 (a) the department may revoke or refuse to issue the card if the individual violates the  
590 requirements of this chapter; and

591 (b) the department shall revoke or refuse to issue the card if the individual is convicted  
592 of an offense that is a felony under state or federal law.

593 (9) (a) A cannabis production establishment agent registration card expires two years  
594 after the day on which the department issues the card.

595 (b) A cannabis production establishment agent may renew the agent's registration card  
596 if the agent:

597 (i) is eligible for a cannabis production establishment registration card under this  
598 section;

599 (ii) certifies to the department in a renewal application that the information in  
600 Subsection (4)(a) is accurate or updates the information; and

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

602 (A) the department sets in accordance with Section 63J-1-504; and

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

605 Section ~~4-114~~. Section **4-41b-302** is enacted to read:

606 ~~**4-41b-302.—Cannabis production establishment —Criminal background checks.**~~

607 ~~(1) At the time of application, an applicant for a license as a cannabis production~~  
608 ~~establishment shall submit the following information regarding an individual described in~~  
609 ~~Subsection (2):~~  
610 ~~(a) a fingerprint card in a form acceptable to the department; and~~  
611 ~~(b) consent to a fingerprint background check by the Utah Bureau of Criminal~~  
612 ~~Identification and the Federal Bureau of Investigation;~~  
613 ~~(2) An applicant shall submit the information described in Subsection (1) regarding~~  
614 ~~each individual who has:~~  
615 ~~(a) a financial or voting interest of 2% or greater in the applicant; or~~  
616 ~~(b) the power to direct or cause the management or control of the applicant;~~  
617 ~~(3) The department shall request that the Department of Public Safety complete a~~  
618 ~~Federal Bureau of Investigation criminal background check for each individual described in~~  
619 ~~Subsection (2);~~  
620 ~~(4) The Department of Public Safety shall:~~  
621 ~~(a) complete a Federal Bureau of Investigation criminal background check for each~~  
622 ~~individual who is the subject of a department request under Subsection (3); and~~  
623 ~~(b) report the results of the background check to the department.~~  
624 ~~Section 12. Section 4-41b-303 is enacted to read:~~

625 ~~**4-41b-303. Cannabis production establishment agent registration card --**~~

626 **Rebuttable presumption.**

627 (1) A cannabis production establishment agent whom the department registers under  
628 Section 4-41b-301 shall carry the individual's cannabis production establishment agent  
629 registration card with the agent at all times when:

630 (a) the agent is on the premises of a cannabis production establishment where the agent  
631 is registered;

632 (b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in  
633 a medicinal dosage form, or a medical cannabis device between:

634 (i) two cannabis production establishments; or

635 (ii) a cannabis production establishment; and:

636 (A) a medical cannabis pharmacy; or

637 (B) the state central fill medical cannabis pharmacy; and

638 (c) if the cannabis production establishment agent is an agent of a cannabis cultivating

639 facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an  
640 independent cannabis testing laboratory.

641 (2) If a cannabis processing facility agent possesses cannabis, a cannabis product, or a  
642 medical cannabis device and produces the registration card in the individual's possession in  
643 compliance with Subsection (1) while handling cannabis, a cannabis product, or a medical  
644 cannabis device at a cannabis production facility or while transporting cannabis, a cannabis  
645 product, or a medical cannabis device:

646 (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis  
647 product, or medical cannabis device legally; and

648 (b) a law enforcement officer does not have probable cause, based solely on the agent's  
649 possession of the cannabis, cannabis product, or medical cannabis device in compliance with  
650 Subsection (1), to believe that the individual is engaging in illegal activity.

651 (3) (a) A cannabis production establishment agent who fails to carry the agent's  
652 cannabis production establishment agent registration card in accordance with Subsection (1) is:

653 (ai) for a first or second offense in a two-year period:

654 (iA) guilty of an infraction; and

655 (iB) subject to a \$100 fine; or

656 (bii) for a third or subsequent offense in a two-year period:

657 (iA) guilty of a class C misdemeanor; and

658 (iB) subject to a \$750 fine.

659 (b) (i) The prosecuting entity shall notify the department and the relevant cannabis  
660 production establishment of each conviction under Subsection (3)(a).

661 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
662 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine  
663 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
664 Administrative Rulemaking Act.

665 (c) An individual who is subject to a penalty described in Subsection (3)(a) is not  
666 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
667 conduct underlying the penalty described in Subsection (3)(a).

668 Section ~~4-15~~ 4-15. Section **4-41b-401** is enacted to read:

669 **Part 4. General Cannabis Production Establishment Operating Requirements**

670 **4-41b-401. Cannabis production establishment -- General operating**

671 **requirements.**

672 (1) (a) A cannabis production establishment shall operate in accordance with the  
673 operating plan provided to the department under Section 4-41b-203.

674 (b) A cannabis production establishment shall notify the department before a change in  
675 the cannabis production establishment's operating plan.

676 (c) (i) If a cannabis production establishment changes the cannabis production  
677 establishment's operating plan, the establishment shall ensure that the new operating plan  
678 complies with this chapter.

679 (ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
680 Utah Administrative Rulemaking Act, a process to:

681 (A) review a change notification described in Subsection (1)(b);

682 (B) identify for the cannabis production establishment each point of noncompliance  
683 between the new operating plan and this chapter;

684 (C) provide an opportunity for the cannabis production establishment to address each  
685 identified point of noncompliance; and

686 (D) suspend or revoke a license if the cannabis production establishment fails to cure  
687 the noncompliance.

688 (2) A cannabis production establishment shall operate:

689 (a) except as provided in Subsection (5), in a facility that is accessible only by an  
690 individual with a valid cannabis production establishment agent registration card issued under  
691 Section 4-41b-301; and

692 (b) at the physical address provided to the department under Section 4-41b-201.

693 (3) A cannabis production establishment agent may not employ a person who is  
694 younger than 21 years old.

695 (4) (a) A cannabis production establishment shall conduct a background check into the  
696 criminal history of each individual required to register as an agent of the cannabis production  
697 establishment.

698 (b) A cannabis production establishment may not employ an individual convicted of a  
699 felony offense under either state or federal law.

700 (5) A cannabis production establishment may authorize an individual who is at least 18  
701 years old and is not a cannabis production establishment agent to access the cannabis  
702 production establishment if the cannabis production establishment:

703 (a) tracks and monitors the individual at all times while the individual is at the  
704 cannabis production establishment; and  
705 (b) maintains a record of the individual's access, including arrival and departure.  
706 (6) A cannabis production establishment shall operate in a facility that has:  
707 (a) a single, secure public entrance;  
708 (b) a security system with a backup power source that:  
709 (i) detects and records entry into the cannabis production establishment; and  
710 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis  
711 production establishment is closed; and  
712 (c) a lock or equivalent restrictive security feature on any area where the cannabis  
713 production establishment stores cannabis or a cannabis product.

714 Section ~~1416~~. Section **4-41b-402** is enacted to read:

715 **4-41b-402. Inspections.**

716 (1) The department may inspect the records and facility of a cannabis production  
717 establishment at any time during business hours to determine if the cannabis production  
718 establishment complies with this chapter.

719 (2) An inspection under this section may include:

720 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
721 physical or electronic information;

722 (b) questioning of any relevant individual; ~~or~~

723 ~~—(e)~~ (c) observation of an independent cannabis testing laboratory's methods,  
724 standards, practices, and procedures;

725 (d) the taking of a specimen of cannabis or cannabis products sufficient for testing  
726 purposes; or

727 (e) inspection of equipment, an instrument, a tool, or machinery, including a container  
728 or label.

729 (3) In making an inspection under this section, the department may freely access any  
730 area and review and make copies of a book, record, paper, document, data, or other physical or  
731 electronic information, including financial data, sales data, shipping data, pricing data, and  
732 employee data.

733 (4) Failure to provide the department or the department's authorized agents immediate  
734 access to records and facilities during business hours in accordance with this section may result

735 in:

736 (a) the imposition of a civil monetary penalty that the department sets in accordance  
737 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

738 (b) license or registration suspension or revocation; or

739 (c) an immediate cessation of operations under a cease and desist order that the  
740 department issues.

741 Section ~~15~~17. Section **4-41b-403** is enacted to read:

742 **4-41b-403. Advertising.**

743 (1) A cannabis production establishment may not advertise to the general public in any  
744 medium.

745 (2) Notwithstanding Subsection (1), a cannabis production establishment may  
746 advertise an employment opportunity at the cannabis production facility.

747 Section ~~16~~18. Section **4-41b-404** is enacted to read:

748 **4-41b-404. Cannabis, cannabis product, or medical cannabis device**  
749 **transportation.**

750 (1) (a) Only the following individuals may transport cannabis in a medicinal dosage  
751 form, a cannabis product in a medicinal dosage form, or a medical cannabis device under this  
752 chapter:

753 (i) a registered cannabis production establishment agent; or

754 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment  
755 that the cardholder is authorized to ~~transport~~possess under this chapter.

756 (b) Only an agent of a cannabis cultivating facility, when the agent is transporting  
757 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,  
758 may transport unprocessed cannabis outside of a medicinal dosage form.

759 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter  
760 61b, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment that the  
761 cardholder is authorized to transport under this chapter, an individual described in Subsection  
762 (1) shall possess a transportation manifest that:

763 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
764 cannabis device to a relevant inventory control system;

765 (b) includes origin and destination information for any cannabis, cannabis product, or  
766 medical cannabis device that the individual is transporting; and



767 (c) identifies the departure and arrival times and locations of the individual  
768 transporting the cannabis, cannabis product, or medical cannabis device.

769 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
770 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
771 Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in  
772 a medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis  
773 product, or medical cannabis device remains safe for human consumption.

774 (b) The transportation described in Subsection (3)(a) is limited to transportation:

775 (i) between a cannabis cultivation facility and:

776 (A) another cannabis cultivation facility; or

777 (B) a cannabis processing facility; and

778 (ii) between a cannabis processing facility and:

779 (A) another cannabis processing facility;

780 (B) an independent cannabis testing laboratory; or

781 (C) a medical cannabis pharmacy.

782 (4) (a) It is unlawful for a registered cannabis production establishment agent, a

783 registered medical cannabis pharmacy agent, a registered state central fill agent, or a courier

784 described in Section 26-61b-605 to make a transport described in this section with a manifest

785 that does not meet the requirements of this section.

786 (b) Except as provided in Subsection (4)(ed), an agent or courier who violates

787 Subsection (4)(a) is:

788 (i) guilty of an infraction; and

789 (ii) subject to a \$100 fine.

790 ~~(c) If the individual~~ (c) An individual who is subject to a penalty described in

791 Subsection (4)(b) is not subject to a penalty under Title 58, Chapter 37, Utah Controlled

792 Substances Act, for the conduct underlying the penalty described in Subsection (4)(b).

793 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis

794 product, or medical cannabis devices than the manifest identifies, except for a de minimis

795 administrative error:

796 (i) ~~this chapter~~ the penalty described in Subsection (4)(b) does not apply; and

797 (ii) the ~~individual~~ agent is subject to penalties under Title 58, Chapter 37, Utah

798 Controlled Substances Act.

799 Section ~~1719~~. Section **4-41b-405** is enacted to read:

800 **4-41b-405. Excess and disposal.**

801 (1) As used in this section, "medical cannabis waste" means waste and unused material  
802 from the cultivation and production of medical cannabis.

803 (2) A cannabis production establishment shall:

804 (a) render medical cannabis waste unusable and unrecognizable before transporting the  
805 medical cannabis waste from the cannabis production establishment; and

806 (b) dispose of medical cannabis waste in accordance with:

807 (i) federal and state law ~~and~~, rules, and regulations related to hazardous waste;

808 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

809 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

810 (iv) other regulations that the department makes in accordance with Title 63G, Chapter  
811 3, Utah Administrative Rulemaking Act.

812 (3) ~~It is unlawful to~~An individual may not transport or dispose of medical cannabis  
813 waste other than as provided in this section.

814 Section ~~1820~~. Section **4-41b-406** is enacted to read:

815 **4-41b-406. Local control.**

816 (1) (a) If a municipality's or county's zoning ordinances provide for a commercial zone,  
817 the municipality or county shall ensure that the ordinances allow for cannabis production  
818 establishments in at least one type of commercial zone.

819 (b) If a municipality's or county's zoning ordinances provide for an industrial zone, the  
820 municipality or county shall ensure that the ordinances allow for cannabis production  
821 establishments in at least one type of industrial zone.

822 (2) A municipality or county may not deny or revoke a permit or license to operate a  
823 cannabis production facility on the sole basis that the applicant or cannabis production  
824 establishment violates federal law regarding the legal status of cannabis.

825 Section ~~1921~~. Section **4-41b-501** is enacted to read:

826 **Part 5. Cannabis Cultivation Facility Operating Requirements**

827 **4-41b-501. Cannabis cultivation facility -- Operating requirements.**

828 (1) A cannabis cultivation facility shall ensure that cannabis growing at the cannabis  
829 cultivation facility is not visible from the cannabis cultivation facility perimeter.

830 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the

831 cannabis cultivation facility's inventory control system to identify:

832 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each  
833 cannabis plant;

834 (b) each unique harvest of cannabis plants;

835 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, the  
836 state central fill medical cannabis pharmacy, a cannabis processing facility, or an independent  
837 cannabis testing laboratory; and

838 (d) any excess, contaminated, or deteriorated cannabis that the cannabis cultivation  
839 facility disposes.

840 Section ~~2022~~. Section **4-41b-502** is enacted to read:

841 **4-41b-502. Cannabis -- Labeling and child-resistant packaging.**

842 For any cannabis that a cannabis cultivation facility cultivates or otherwise produces  
843 and subsequently ships to another cannabis production establishment, the facility shall:

844 (1) label the cannabis with a label that has a unique batch identification number that is  
845 connected to the inventory control system; ~~or~~ and

846 (2) package the cannabis in a container that is:

847 (a) tamper evident; and

848 (b) not appealing to children.

849 Section ~~2123~~. Section **4-41b-601** is enacted to read:

850 **Part 6. Cannabis Processing Facility Operating Requirements**

851 **4-41b-601. Cannabis processing facility -- Operating requirements -- General.**

852 (1) A cannabis processing facility shall ensure that a cannabis product the cannabis  
853 processing facility sells complies with the requirements of this part.

854 (2) If a cannabis processing facility extracts cannabinoids from cannabis using a  
855 hydrocarbon process, the cannabis processing facility shall:

856 (a) extract the cannabinoids under a blast hood; and

857 (b) use a system to reclaim solvents.

858 Section ~~2224~~. Section **4-41b-602** is enacted to read:

859 **4-41b-602. Cannabis product -- Labeling and child-resistant packaging.**

860 (1) For any cannabis product that a cannabis processing facility processes or produces,  
861 the facility shall:

862 (a) label the cannabis product with a label that:

863 (i) clearly and unambiguously states that the cannabis product contains cannabis;  
864 (ii) clearly displays the amount of total composite tetrahydrocannabinol and  
865 cannabidiol in the cannabis product;  
866 (iii) has a unique identification number that:  
867 (A) is connected to the inventory control system; and  
868 (B) identifies the unique cannabis product manufacturing process the cannabis  
869 processing facility used to manufacture the cannabis product;  
870 (iv) identifies the cannabinoid extraction process that the cannabis processing facility  
871 used to create the cannabis product;  
872 (v) does not display an image, word, or phrase that the facility knows or should know  
873 appeals to children; and  
874 (vi) discloses each active or potentially active ingredient, in order of prominence, and  
875 possible allergen; and  
876 (b) package the cannabis product in a medicinal dosage form in a container that:  
877 (i) except for a blister pack, is tamper evident and tamper resistant;  
878 (ii) does not appeal to children;  
879 (iii) is not similar to a candy container;  
880 (iv) except for a blister pack, is opaque;  
881 (v) complies with child-resistant effectiveness standards that the United States  
882 Consumer Product Safety Commission establishes; and  
883 (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating  
884 effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP  
885 OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed  
886 by a qualified medical provider."  
887 (2) For any cannabis or cannabis product that the cannabis processing facility  
888 processes into a gelatin-based cube, the facility shall:  
889 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph  
890 or other image of the content of the container; and  
891 (b) include on the label described in Subsection (1)(a) a warning about the risks of  
892 over-consumption.

893 Section 2325. Section 4-41b-603 is enacted to read:

894 **4-41b-603. Cannabis product -- Product quality.**

895 (1) A cannabis processing facility may not produce a cannabis product in a physical  
896 form that:

897 (a) the facility knows or should know appeals to children;

898 (b) is designed to mimic or could be mistaken for a candy product; or

899 (c) for a product used in vaporization, includes a candy-like flavor or another flavor  
900 that the facility knows or should know appeals to children.

901 (2) A cannabis processing facility may not manufacture a cannabis product by  
902 applying a cannabis agent only to the surface of a pre-manufactured food product that the  
903 cannabis processing facility does not produce.

904 (3) A cannabis product may vary in the cannabis product's labeled cannabinoid profile  
905 by up to 10% of the indicated amount of a given cannabinoid, by weight.

906 (4) The department shall adopt by rule, in accordance with Title 63G, Chapter 3, Utah  
907 Administrative Rulemaking Act, human safety standards for the manufacture of cannabis  
908 products that are consistent with best practices for the use of cannabis.

909 Section ~~2426~~. Section **4-41b-701** is enacted to read:

910 **Part 7. Independent Cannabis Testing Laboratories**

911 **4-41b-701. Cannabis and cannabis product testing.**

912 (1) A medical cannabis pharmacy and the state central fill medical cannabis pharmacy  
913 may not offer any cannabis or cannabis product for sale unless an independent cannabis testing  
914 laboratory has tested a representative sample of the cannabis or cannabis product to determine:

915 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the  
916 cannabis or cannabis product; and

917 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the  
918 label claims the cannabis or cannabis product contains;

919 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial  
920 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for  
921 human consumption; and

922 (c) for a cannabis product that is manufactured using a process that involves extraction  
923 using hydrocarbons, that the cannabis product does not contain a level of a residual solvent that  
924 is not safe for human consumption.

925 (2) The department may determine by rule, in accordance with Title 63G, Chapter 3,  
926 Utah Administrative Rulemaking Act, the amount of a substance described in Subsection (1)

927 that is safe for human consumption.

928 (3) The department may require testing for a toxin if:

929 (a) the department receives information indicating the potential presence of a toxin; or

930 (b) the department's inspector has reason to believe a toxin may be present based on  
931 the inspection of a facility.

932 (4) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
933 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the  
934 testing of cannabis and cannabis products by independent cannabis testing laboratories.

935 (5) The department may require an independent cannabis testing laboratory to  
936 participate in a proficiency evaluation that the department conducts or that an organization that  
937 the department approves conducts.

938 Section ~~2527~~. Section **4-41b-702** is enacted to read:

939 **4-41b-702. Reporting -- Inspections -- Seizure by the department.**

940 (1) If an independent cannabis testing laboratory determines that the results of a lab  
941 test indicate that a cannabis or cannabis product batch may be unsafe for human consumption;  
942 the independent cannabis testing laboratory shall:

943 ~~—(a~~ (a) the independent cannabis testing laboratory shall:

944 (i) report the results and the cannabis or cannabis product batch to:

945 (~~i~~A) the department; and

946 (~~ii~~B) the cannabis production establishment that prepared the cannabis or cannabis  
947 product batch; and

948 (~~bii~~) retain possession of the cannabis or cannabis product batch for ~~one week~~two  
949 weeks in order to investigate the cause of the defective batch and to make a determination; and

950 (~~e~~—allow~~b~~) the cannabis production establishment that prepared the cannabis or  
951 cannabis product batch ~~to~~may appeal the determination described in Subsection (1)(~~ba~~)(ii) to  
952 the department.

953 (2) If the department determines, under Subsection (1)(~~ba~~)(ii) or following an appeal  
954 under Subsection (1)(~~eb~~), that a cannabis or cannabis product prepared by a cannabis  
955 production establishment is unsafe for human consumption, the department may seize,  
956 embargo, or destroy the cannabis or cannabis product batch.

957 (3) If an independent cannabis testing laboratory determines that the results of a lab  
958 test indicate that the cannabinoid content of a cannabis or cannabis product batch diverges

959 more than 10% from the amounts the label indicates, the cannabis processing facility may not  
960 sell the cannabis or cannabis product batch unless the facility replaces the incorrect label with a  
961 label that correctly indicates the cannabinoid content.

962 Section ~~2628~~. Section **4-41b-801** is enacted to read:

963 **Part 8. Enforcement**

964 **4-41b-801. Enforcement -- Fine -- Citation.**

965 (1) If a person that is a cannabis production establishment or a cannabis production  
966 establishment agent violates this chapter, the department may:

967 (a) revoke the person's license or cannabis production establishment agent registration  
968 card;

969 (b) decline to renew the person's license or cannabis production establishment agent  
970 registration card; or

971 (c) assess the person an administrative penalty that the department establishes by rule  
972 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

973 (2) The department shall deposit an administrative penalty imposed under this section  
974 into the General Fund.

975 (3) (a) The department may take an action described in Subsection (3)(b) if the  
976 department concludes, upon investigation, that, for an individual that is a cannabis production  
977 establishment or a cannabis production establishment agent:

978 (i) the individual violates a provision of this chapter, a rule made under this chapter, or  
979 an order issued under this chapter; or

980 (ii) the individual produced cannabis or a cannabis product batch that contains a  
981 substance, other than cannabis, that poses a significant threat to human health.

982 (b) If the department makes the determination about ~~a person~~an individual described in  
983 Subsection (3)(a), the department shall:

984 (i) issue the person a written administrative citation;

985 (ii) attempt to negotiate a stipulated settlement;

986 (iii) seize, embargo, or destroy the cannabis or cannabis product batch; and

987 (iv) direct the person to appear before an adjudicative proceeding conducted under  
988 Title 63G, Chapter 4, Administrative Procedures Act.

989 (4) The department may, for a person subject to an uncontested citation, a stipulated  
990 settlement, or a finding of a violation in an adjudicative proceeding under this section:

991 (a) for a fine amount not already specified in law, assess the person a fine in an amount  
992 that the department sets, in accordance with Section 63J-1-504, of up to \$5,000 per violation,  
993 in accordance with a fine schedule that the department establishes by rule in accordance with  
994 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

995 (b) order the person to cease and desist from the action that creates a violation.

996 (5) The department may not revoke a cannabis production establishment's license  
997 without first directing the cannabis production establishment to appear before an adjudicative  
998 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

999 (6) If within 20 calendar days after the day on which a department serves a citation for  
1000 a violation of this chapter, the person that is the subject of the citation fails to request a hearing  
1001 to contest the citation, the citation becomes the department's final order.

1002 (7) The department may, for a person who fails to comply with a citation under this  
1003 section:

1004 (a) refuse to issue or renew the person's license or cannabis production establishment  
1005 agent registration card; or

1006 (b) suspend, revoke, or place on probation the person's license or cannabis production  
1007 establishment registration card.

1008 (8) (a) Except as where a criminal penalty is expressly provided in Subsection (8)(b),  
1009 for a specific violation of this chapter, if the department makes a final determination under this  
1010 section that an individual violated:

1011 (i) violates a provision of this chapter, the individual is:

1012 (iA) guilty of an infraction; and

1013 (iB) subject to a \$100 fine; or

1014 ~~(b) If the department makes a final determination under this section that an individual~~  
1015 ~~willfully, (ii) intentionally or knowingly, or deliberately violated~~ violates a provision of

1016 this chapter or violateds this chapter three or more times, the individual is:

1017 (iA) guilty of a class B misdemeanor; and

1018 (iB) subject to a \$1,000 fine.

1019 (b) An individual who is subject to a penalty described in Subsection (8)(a) is not  
1020 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
1021 conduct underlying the penalty described in Subsection (8)(a).

1022 (9) Nothing in this section prohibits the department from referring potential criminal



1023 activity to law enforcement.

1024 Section ~~2729~~. Section **4-41b-802** is enacted to read:

1025 **4-41b-802. Report.**

1026 (1) At or before the November interim meeting each year, the department shall report  
1027 to the Health and Human Services Interim Committee on:

1028 (a) the number of applications and renewal applications that the department receives;

1029 (b) the number of each type of cannabis production facility that the department licenses  
1030 in each county;

1031 (c) the amount of cannabis that licensees grow;

1032 (d) the amount of cannabis that licensees manufacture into cannabis products;

1033 (e) the number of licenses the department revokes; and

1034 (f) the expenses incurred and revenues generated from the medical cannabis program.

1035 (2) The department may not include personally identifying information in the report  
1036 described in this section.

1037 Section ~~2830~~. Section **7-1-401** is amended to read:

1038 **7-1-401. Fees payable to commissioner.**

1039 (1) Except for an out-of-state depository institution with a branch in Utah, a depository  
1040 institution under the jurisdiction of the department shall pay an annual fee:

1041 (a) computed by averaging the total assets of the depository institution shown on each  
1042 quarterly report of condition for the depository institution for the calendar year immediately  
1043 preceding the date on which the annual fee is due under Section 7-1-402; and

1044 (b) at the following rates:

1045 (i) on the first \$5,000,000 of these assets, the greater of:

1046 (A) 65 cents per \$1,000; or

1047 (B) \$500;

1048 (ii) on the next \$10,000,000 of these assets, 35 cents per \$1,000;

1049 (iii) on the next \$35,000,000 of these assets, 15 cents per \$1,000;

1050 (iv) on the next \$50,000,000 of these assets, 12 cents per \$1,000;

1051 (v) on the next \$200,000,000 of these assets, 10 cents per \$1,000;

1052 (vi) on the next \$300,000,000 of these assets, 6 cents per \$1,000; and

1053 (vii) on all amounts over \$600,000,000 of these assets, 2 cents per \$1,000.

1054 (2) A financial institution with a trust department shall pay a fee determined in

1055 accordance with Subsection (7) for each examination of the trust department by a state  
1056 examiner.

1057 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall  
1058 pay a basic fee of \$25 instead of the fee required under Subsection (1).

1059 (4) A trust company that is not a depository institution or a subsidiary of a depository  
1060 institution holding company shall pay:

1061 (a) an annual fee of \$500; and

1062 (b) an additional fee determined in accordance with Subsection (7) for each  
1063 examination by a state examiner.

1064 (5) Any person or institution under the jurisdiction of the department that does not pay  
1065 a fee under Subsections (1) through (4) shall pay:

1066 (a) an annual fee of \$200; and

1067 (b) an additional fee determined in accordance with Subsection (7) for each  
1068 examination by a state examiner.

1069 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,  
1070 7-1-704, 7-1-713, 7-5-3, or 7-18a-202[~~, or 7-26-201~~] shall pay:

1071 (a) (i) a filing fee of \$500 if on the day on which the application or request is filed the  
1072 person:

1073 (A) is a person with authority to transact business as:

1074 (I) a depository institution[~~;~~], a trust company[~~;~~], or [~~(II)~~] any other person  
1075 described in Section 7-1-501 as being subject to the jurisdiction of the department; and

1076 (B) has total assets in an amount less than \$5,000,000; or

1077 (ii) a filing fee of \$2,500 for any person not described in Subsection (6)(a)(i); and

1078 (b) all reasonable expenses incurred in processing the application.

1079 (7) (a) Per diem assessments for an examination shall be calculated at the rate of \$55  
1080 per hour:

1081 (i) for each examiner; and

1082 (ii) per hour worked.

1083 (b) For an examination of a branch or office of a financial institution located outside of  
1084 this state, in addition to the per diem assessment under this Subsection (7), the institution shall  
1085 pay all reasonable travel, lodging, and other expenses incurred by each examiner while  
1086 conducting the examination.

1087 (8) In addition to a fee under Subsection (5), a person registering under Section 7-23-  
1088 201 or 7-24-201 shall pay an original registration fee of \$300.

1089 (9) In addition to a fee under Subsection (5), a person applying for licensure under  
1090 Chapter 25, Money Transmitter Act, shall pay an original license fee of \$300.

1091 Section ~~29~~31. Section **10-9a-104** is amended to read:

1092 **10-9a-104. Stricter requirements or higher standards.**

1093 (1) Except as provided in Subsection (2), a municipality may enact a land use  
1094 regulation imposing stricter requirements or higher standards than are required by this chapter.

1095 (2) A municipality may not impose:

1096 (a) a requirement or standard that conflicts with a provision of this chapter, other state  
1097 law, or federal law[-]; or

1098 (b) stricter requirements or higher standards than are required by:

1099 (i) Section 4-41b-406; and

1100 (ii) Section 26-61b-507.

1101 Section ~~30~~32. Section **17-27a-104** is amended to read:

1102 **17-27a-104. Stricter requirements or higher standards.**

1103 (1) Except as provided in Subsection (2), a county may enact a land use regulation  
1104 imposing stricter requirements or higher standards than are required by this chapter.

1105 (2) A county may not impose:

1106 (a) a requirement or standard that conflicts with a provision of this chapter, other state  
1107 law, or federal law[-]; or

1108 (b) stricter requirements or higher standards than are required by:

1109 (i) Section 4-41b-406; and

1110 (ii) Section 26-61b-507.

1111 Section ~~31~~33. Section **26-61-202** is amended to read:

1112 **26-61-202. Cannabinoid Product Board -- Duties.**

1113 (1) The board shall review any available scientific research related to the human use of  
1114 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

1115 (a) was conducted under a study approved by an IRB; or

1116 (b) was conducted or approved by the federal government.

1117 (2) Based on the research described in Subsection (1), the board shall evaluate the  
1118 safety, risks, and efficacy of cannabis, cannabinoid products, and expanded cannabinoid

1119 products, including:

1120 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded  
1121 cannabinoid products;

1122 (b) cannabis and cannabinoid dosage amounts and medical dosage forms; and

1123 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products  
1124 with other treatments.

1125 (3) Based on the board's evaluation under Subsection (2), the board shall develop  
1126 guidelines for a physician recommending treatment with cannabis, a cannabinoid product [ø],  
1127 and an expanded cannabinoid product that [~~includes~~] include a list of medical conditions, if  
1128 any, that the board determines are appropriate for treatment with cannabis, a cannabinoid  
1129 product, or an expanded cannabinoid product.

1130 (4) The board shall submit the guidelines described in Subsection (3) to:

1131 (a) the director of the Division of Occupational and Professional Licensing; and

1132 (b) the Health and Human Services Interim Committee.

1133 (5) The board shall report the board's findings before November 1 of each year to the  
1134 Health and Human Services Interim Committee.

1135 (6) Guidelines that the board develops in accordance with this section may not limit  
1136 the availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted  
1137 under Title 4, Chapter 41b, Cannabis Production Establishments, or Title 26, Chapter 61b,  
1138 Utah Medical Cannabis Act.

1139 Section ~~3234~~. Section **26-61b-101** is enacted to read:

1140 **CHAPTER 61b. UTAH MEDICAL CANNABIS ACT**

1141 **Part 1. General Provisions**

1142 **26-61b-101. Title.**

1143 This chapter is known as "Utah Medical Cannabis Act."

1144 Section ~~3335~~. Section **26-61b-102** is enacted to read:

1145 **26-61b-102. Definitions.**

1146 As used in this chapter:

1147 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single  
1148 dose of cannabis or a cannabis product in a blister pack.

1149 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each  
1150 containing no more than a single dose of cannabis or a cannabis product.

1151           (3) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

1152           (4) "Cannabis cultivation facility" means the same as that term is defined in Section 4-  
1153 41b-102.

1154           (5) "Cannabis processing facility" means the same as that term is defined in Section 4-  
1155 41b-102.

1156           (6) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

1157           (7) "Cannabis production establishment agent" means the same as that term is defined  
1158 in Section 4-41b-102.

1159           (8) "Cannabis production establishment agent registration card" means the same as that  
1160 term is defined in Section 4-41b-102.

1161           (9) "Department" means the Department of Health.

1162           (10) "Designated caregiver" means an individual:

1163           (a) whom an individual with a medical cannabis patient card or a medical cannabis  
1164 guardian card designates as the patient's caregiver; and

1165           (b) who registers with the department under Section 26-61b-202.

1166           (11) "Dosing parameters" means quantity, routes, and frequency of administration for a  
1167 recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a  
1168 medicinal dosage form.

1169           (12) "Independent cannabis testing laboratory" means the same as that term is defined  
1170 in Section 4-41b-102.

1171           (13) "Inventory control system" means the system described in Section 4-41b-103.

1172           (14) "Local health department" means the same as that term is defined in Section 26A-  
1173 1-102.

1174           (15) "Local health department distribution agent" means an agent designated and  
1175 registered to distribute state central fill shipments under Sections 26-61b-606 and 607.

1176           (16) "Medical cannabis ~~card~~" means ~~a medical cannabis patient card,~~in a  
1177 ~~medical~~medicinal dosage form or a cannabis ~~guardian card, or a medical cannabis caregiver~~  
1178 ~~card~~product in a medicinal dosage form.

1179           ~~(17)~~ (17) "Medical cannabis card" means a medical cannabis patient card, a medical  
1180 cannabis guardian card, or a medical cannabis caregiver card.

1181           (18) "Medical cannabis caregiver card" means an official card that:

1182           (a) the department issues to an individual whom a medical cannabis patient cardholder

1183 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1184 (b) is connected to the electronic verification system.

1185 (~~18~~19) "Medical cannabis device" means the same as that term is defined in Section  
1186 58-37-3.7.

1187 (~~19~~20) "Medical cannabis guardian card" means an official card that:

1188 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1189 condition; and

1190 (b) is connected to the electronic verification system.

1191 (~~20~~21) "Medical cannabis patient card" means an official card that:

1192 (a) the department issues to an individual with a qualifying condition; and

1193 (b) is connected to the electronic verification system.

1194 (~~21~~22) "Medical cannabis pharmacy" means a person that:

1195 (a) (i) acquires or intends to acquire:

1196 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
1197 form from a cannabis processing facility; or

1198 (B) a medical cannabis device; or

1199 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1200 dosage form, or a medical cannabis device; and

1201 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a  
1202 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

1203 (~~22~~23) "Medical cannabis pharmacy agent" means an individual who:

1204 (a) is an employee of a medical cannabis pharmacy; and

1205 (b) who holds a valid medical cannabis pharmacy agent registration card.

1206 (~~23~~24) "Medical cannabis pharmacy agent registration card" means a registration card  
1207 issued by the department that authorizes an individual to act as a medical cannabis pharmacy  
1208 agent.

1209 (~~24~~25) "Medical Cannabis Restricted Account" means the account created in Section  
1210 26-61b-109.

1211 (~~25~~26) (a) "Medicinal dosage form" means:

1212 (i) for processed medical cannabis or a medical cannabis product, the following in  
1213 single dosage form with a specific and consistent cannabinoid content:

1214 (A) a tablet;

1215 (B) a capsule;  
1216 (C) a concentrated oil;  
1217 (D) a liquid suspension;  
1218 (E) a topical preparation;  
1219 (F) a transdermal preparation;  
1220 (G) a sublingual preparation;  
1221 (H) a cube that is designed for ingestion through chewing or holding in the mouth for  
1222 slow dissolution; or  
1223 (I) for use only after the individual's qualifying condition has failed to substantially  
1224 respond to at least two other forms described in this Subsection (~~2526~~)(a)(i), a resin or wax;  
1225 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:  
1226 (A) containing a specific and consistent ~~dosage amount~~weight that does not exceed one  
1227 gram and that varies by no more than 10% ~~across~~from the ~~blister pack~~stated weight; and  
1228 (B) labeled with a barcode that provides information connected to an inventory control  
1229 system and the individual blister's content and weight; and  
1230 (iii) a form measured in grams, milligrams, or milliliters.  
1231 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:  
1232 (i) the medical cannabis cardholder has recently removed from the blister pack  
1233 described in Subsection (~~2526~~)(a)(ii) for use; and  
1234 (ii) does not exceed the quantity described in Subsection (~~2526~~)(a)(ii).  
1235 (c) "Medicinal dosage form" does not include:  
1236 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in  
1237 Subsection (~~2526~~)(b); or  
1238 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis  
1239 on a nail or other metal object that is heated by a flame, including a blowtorch.  
1240 (~~2627~~) "Pharmacy medical provider" means the medical provider required to be on site  
1241 at a medical cannabis pharmacy under Section 26-61b-40~~4~~3.  
1242 (~~2728~~) "Provisional patient card" means a card that:  
1243 (a) the department issues to a minor with a qualifying condition for whom:  
1244 (i) a qualified medical provider has recommended a medical cannabis treatment; and  
1245 (ii) the department issues a medical cannabis guardian card to the minor's parent or  
1246 legal guardian; and

1247 (b) is connected to the electronic verification system.

1248 ~~(2829)~~ "Qualified medical provider" means an individual who is qualified to  
1249 recommend treatment with cannabis in a medicinal dosage form under Section 26-61b-107.

1250 ~~(2930)~~ "Qualifying condition" means a condition described in Section 26-61b-105.

1251 ~~(3031)~~ "State central fill agent" means an employee of the state central fill medical  
1252 cannabis pharmacy that the department registers in accordance with Section 26-61b-602.

1253 ~~(3132)~~ "State central fill medical cannabis pharmacy" means the central fill pharmacy  
1254 that the department creates in accordance with Section 26-61b-601.

1255 ~~(3233)~~ "State central fill medical provider" means a physician or pharmacist that the  
1256 state central fill medical cannabis pharmacy employs to consult with medical cannabis  
1257 cardholders in accordance with Section 26-61b-601.

1258 ~~(3334)~~ "State central fill shipment" means a shipment of cannabis in a medicinal  
1259 dosage form, cannabis product in a medicinal dosage form, or a medical cannabis device that  
1260 the state central fill medical cannabis pharmacy prepares and ships for distribution to a medical  
1261 cannabis cardholder in a local health department.

1262 ~~(3435)~~ "State electronic verification system" means the system described in Section  
1263 26-61b-103.

1264 Section ~~3436~~. Section **26-61b-103** is enacted to read:

1265 **26-61b-103. Electronic verification system -- Penalties.**

1266 (1) The Department of Agriculture and Food, the department, the Department of Public  
1267 Safety, and the Department of Technology Services shall:

1268 (a) enter into a memorandum of understanding in order to determine the function and  
1269 operation of a state electronic verification system in accordance with Subsection (2);

1270 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
1271 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
1272 maintain the state electronic verification system in coordination with the Department of  
1273 Technology Services; and

1274 (c) select a third-party provider who meets the requirements contained in the request  
1275 for proposals issued under Subsection (1)(b).

1276 (2) The Department of Agriculture and Food, the department, the Department of Public  
1277 Safety, and the Department of Technology Services shall ensure that, on or before March 1,  
1278 2020, the state electronic verification system described in Subsection (1):



1279 (a) allows an individual, with the individual's qualified medical provider in the  
1280 qualified medical provider's office, to apply for a medical cannabis patient card or, if  
1281 applicable, a medical cannabis guardian card;

1282 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
1283 cannabis guardian card in accordance with Sections ~~20~~26-61b-201 and 202;

1284 (c) allows a qualified medical provider to:

1285 (i) access ~~records~~dispensing and card status information regarding ~~an individual to~~  
1286 ~~review~~a patient:

1287 (A) with whom the ~~individual's~~qualified medical provider has a provider-patient  
1288 relationship; and

1289 (B) for whom the qualified medical provider has recommended or is considering  
1290 recommending a medical cannabis ~~history~~card;

1291 (ii) electronically recommend, during a visit with a patient, treatment with cannabis in  
1292 a medicinal dosage form or a cannabis product in a medicinal dosage form and optionally  
1293 recommend dosing parameters;

1294 (iii) electronically renew a recommendation to a medical cannabis patient cardholder  
1295 or medical cannabis guardian cardholder:

1296 (A) for the qualified medical provider who originally recommended a medical  
1297 cannabis treatment, using telehealth services, as that term is defined in Section 26-60-102; or

1298 (B) for a qualified medical provider who did not originally recommend the medical  
1299 cannabis treatment, during a ~~face-to-face~~ visit with a patient; and

1300 (iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment  
1301 in accordance with Section 26-61b-602;

1302 ~~—— (d) ~~synes or otherwise communicates with existing patient electronic health records;~~~~

1303 ~~—— (e)~~ (d) connects with an inventory control system that a medical cannabis  
1304 pharmacy and the state central fill medical cannabis pharmacy use to track in real time and  
1305 archive purchases of any cannabis in a medicinal dosage form, cannabis product in a medicinal  
1306 dosage form, or medical cannabis device, including:

1307 (i) the time and date of each purchase;

1308 (ii) the quantity and type of cannabis, cannabis product, or medical cannabis device  
1309 purchased;

1310 (iii) any cannabis production establishment, any medical cannabis pharmacy, or the

1311 state central fill medical cannabis pharmacy associated with the cannabis, cannabis product, or  
1312 medical cannabis device; and

1313 (iv) the personally identifiable information of the medical cannabis cardholder who  
1314 made the purchase;

1315 (fe) provides access to:

1316 (i) the department and to the extent necessary to carry out the department's functions  
1317 and responsibilities under this chapter;

1318 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
1319 department's functions and responsibilities of the Department of Agriculture and Food's

1320 functions and responsibilities under this chapter and Food under Title 4, Chapter 41b, Cannabis  
1321 Production Establishments; and

1322 ~~—— (g)~~ (iii) the Division of Occupational and Professional Licensing to the extent  
1323 necessary to carry functions and responsibilities related to the participation of the following in  
1324 the recommendation and dispensing of medical cannabis:

1325 (A) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1326 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1327 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1328 (f) provides access to and interaction with the state central fill medical cannabis

1329 pharmacy, state central fill agents, and local health department distribution agents, to facilitate  
1330 the state central fill shipment process;

1331 (hg) provides access to state or local law enforcement:

1332 (i) during a traffic stop for the purpose of determining if the individual subject to the  
1333 traffic stop is in compliance with state medical cannabis law; or

1334 (ii) after obtaining a warrant; and

1335 (ih) creates a record each time a person accesses the database that identifies the person  
1336 who accesses the database and the individual whose records the person accesses.

1337 (3) The department may release de-identified data that the system collects for the  
1338 purpose of:

1339 (a) conducting medical research; and

1340 (b) providing the report required by Section 26-61b-603.

1341 ~~—— Section 35.~~ (4) (a) Any person who knowingly and intentionally releases any

1342 information in the state electronic verification system in violation of this section is guilty of a

1343 third degree felony.

1344 (b) Any person who negligently or recklessly releases any information in the state  
1345 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1346 (5) (a) Any person who obtains or attempts to obtain information from the state  
1347 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1348 (b) Any person who obtains or attempts to obtain information from the state electronic  
1349 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
1350 degree felony.

1351 (6) (a) Except as provided in Subsection (6)(e), a person may not knowingly and  
1352 intentionally use, release, publish, or otherwise make available to any other person information  
1353 obtained from the state electronic verification system for any purpose other than a purpose  
1354 specified in this section.

1355 (b) Each separate violation of this Subsection (6) is:

1356 (i) a third degree felony; and

1357 (ii) subject to a civil penalty not to exceed \$5,000.

1358 (c) The procedure for determining a civil violation of this Subsection (6) is in  
1359 accordance with Section 58-1-108, regarding adjudicative proceedings within the Division of  
1360 Occupational and Professional Licensing.

1361 (d) Civil penalties assessed under this Subsection (6) shall be deposited in the Medical  
1362 Cannabis Restricted Account as a dedicated credit for department use under Section 26-61b-  
1363 109.

1364 (e) This Subsection (6) does not prohibit a person who obtains information from the  
1365 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1366 (i) including the information in the person's medical chart or file for access by a person  
1367 authorized to review the medical chart or file;

1368 (ii) providing the information to a person in accordance with the requirements of the  
1369 Health Insurance Portability and Accountability Act of 1996; or

1370 (iii) discussing or sharing that information on the patient with the patient.

1371 Section 37. Section **26-61b-104** is enacted to read:

1372 **26-61b-104. Preemption.**

1373 This chapter preempts any ordinance or rule enacted by a political subdivision of the  
1374 state regarding a medical cannabis pharmacy or a medical cannabis card.

1375 Section ~~3638~~. Section **26-61b-105** is enacted to read:

1376 **26-61b-105. Qualifying condition.**

1377 (1) By designating a particular condition under Subsection (2) for which the use of  
1378 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively  
1379 state that:

1380 (a) current scientific evidence clearly supports the efficacy of a medical cannabis  
1381 treatment for the condition; or

1382 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

1383 (2) For the purposes of this chapter, each of the following conditions is a qualifying  
1384 condition:

1385 (a) HIV or acquired immune deficiency syndrome;

1386 (b) Alzheimer's disease;

1387 (c) amyotrophic lateral sclerosis;

1388 (d) cancer;

1389 (e) cachexia;

1390 (f) persistent nausea that is not significantly responsive to traditional treatment, except  
1391 for nausea related to pregnancy, cannabis-induced cyclical vomiting syndrome, or cannabinoid  
1392 hyperemesis syndrome;

1393 (g) Crohn's disease or ulcerative colitis;

1394 (h) epilepsy or debilitating seizures;

1395 (i) multiple sclerosis or persistent and debilitating muscle spasms;

1396 (j) post-traumatic stress disorder that a ~~psychiatrist has diagnosed~~ licensed and board-  
1397 eligible or board-certified psychiatrist or psychologist with a doctorate-level degree has  
1398 diagnosed or confirmed through face-to-face or telehealth evaluation of the patient;

1399 (k) autism;

1400 (l) a terminal illness when the patient's remaining life expectancy is less than six  
1401 months;

1402 (m) a condition resulting in the individual receiving hospice care;

1403 (n) a rare condition or disease that:

1404 (i) affects less than 200,000 individuals in the United States, as defined in Section 526  
1405 of the Federal Food, Drug, and 1340 Cosmetic Act; and

1406 (ii) is not ~~substantially responsive to~~adequately managed despite treatment attempts

1407 using:

1408 (A) conventional medications other than opioids or opiates; or

1409 (B) physical interventions;

1410 (c) pain lasting longer than two weeks that is not ~~substantially responsive to~~adequately

1411 managed despite treatment attempts using:

1412 (i) conventional medications other than opioids or opiates; or

1413 (ii) physical interventions; and

1414 (p) a condition that the compassionate use board approves under Section 26-61b-106

1415 on an individual, case-by-case basis.

1416 Section ~~3739~~. Section **26-61b-106** is enacted to read:

1417 **26-61b-106. Compassionate use board.**

1418 (1) The department shall establish a compassionate use board consisting of:

1419 (a) five qualified medical providers that the ~~department~~executive director appoints who

1420 are:

1421 (i) knowledgeable about ~~and experienced with~~the medicinal use of cannabis; and

1422 (ii) certified by the appropriate board in the specialty of neurology, pain medicine and

1423 pain management, medical oncology, psychiatry, infectious disease, internal medicine,

1424 pediatrics, or gastroenterology; and

1425 (b) as a nonvoting member and the chair of the board, the director of the department or

1426 the director's designee.

1427 (2) (a) Of the members of the board that the department first appoints:

1428 (i) two shall serve an initial term of two years; and

1429 (ii) the remaining members shall serve an initial term of four years.

1430 (b) After an initial term described in Subsection (2)(a) expires:

1431 (i) each term is four years; and

1432 (ii) each board member is eligible for reappointment.

1433 (c) A member of the board may serve until a successor is appointed.

1434 (3) Three members constitute a quorum of the compassionate use board.

1435 (4) A member of the compassionate use board:

1436 (a) may not receive compensation or benefits for the member's service; and

1437 (b) may receive per diem and travel expenses in accordance with Section 63A-3-106,

1438 Section 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106

1439 and 63A-3-107.

1440 (5) The compassionate use board shall:

1441 (a) review and recommend for department approval an individual who is not otherwise  
1442 qualified to receive a medical cannabis card to obtain a medical cannabis card for  
1443 compassionate use if:

1444 (i) the individual's qualified medical provider is actively treating the individual ~~offers,~~  
1445 ~~in the board's discretion, satisfactory evidence that the individual suffers from~~for an intractable  
1446 condition that:

1447 (A) substantially impairs the individual's quality of life; and

1448 (B) has not, in the qualified medical provider's professional opinion, adequately  
1449 responded to conventional treatments;

1450 (ii) the individual's qualified medical provider:

1451 (A) recommends that the individual be allowed to use medical cannabis; and

1452 (B) provides a letter, relevant treatment history, and notes or copies of progress notes  
1453 describing relevant treatment history including rationale for considering compassionate use of  
1454 medical cannabis; and

1455 (iii) the board determines that:

1456 (A) the recommendation of the individual's qualified medical provider is justified; and

1457 (B) based on available information, it ~~is~~may be in the best interests of the individual to  
1458 allow the compassionate use of medical cannabis;

1459 (b) meet to receive or review compassionate use petitions at least quarterly unless no  
1460 petitions are pending, and as often as necessary if there are more petitions than the board can  
1461 receive or review during the board's regularly scheduled meetings;

1462 (c) complete a review of each petition and recommend to the department approval or  
1463 denial of the applicant for qualification for a medical cannabis patient card or a medical  
1464 cannabis guardian card within 90 days after the day on which the board received the petition;  
1465 and

1466 (d) report, before November 1 of each year, to the Health and Human Services Interim  
1467 Committee:

1468 (i) the number of compassionate use approvals the board issued during the past year;

1469 and

1470 (ii) the types of conditions for which the board approved compassionate use.

1471 (6) (a) (i) The department shall review any compassionate use that for which the board  
1472 approves recommends approval under Subsection (5)(c) to determine whether the board  
1473 properly exercised the board's discretion under this section.

1474 (7i) If the department determines that the board properly approved an individual for  
1475 compassionate use under this section, exercised the board's discretion in recommending  
1476 approval under Subsection (5)(c), the department shall:

1477 (A) issue at the relevant medical cannabis patient card or a medical cannabis guardian  
1478 card; and

1479 ~~\_\_\_\_\_ (8)~~ (B) provide for the renewal of the medical cannabis card in accordance with the  
1480 recommendation of the qualified medical provider described in Subsection (5)(a).

1481 (b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking  
1482 to obtain a medical cannabis card for a compassionate use may petition the department to  
1483 review the board's decision.

1484 (ii) If the department determines that the board's recommendation for denial under  
1485 Subsection (5)(c) was arbitrary or capricious:

1486 (A) the department shall notify the board of the department's determination; and

1487 (B) the board shall reconsider the board's refusal to recommend approval under this  
1488 section.

1489 (c) In reviewing the board's recommendation for approval or denial under Subsection  
1490 (5)(c) in accordance with this Subsection (6), the department shall presume the board properly  
1491 exercised the board's discretion unless the department determines that the board's  
1492 recommendation was arbitrary or capricious.

1493 (7) Any individually identifiable health information contained in a petition that the  
1494 board or department receives under this section is a protected record in accordance with Title  
1495 63G, Chapter 2, Government Records Access and Management Act.

1496 (98) The compassionate use board shall annually report the board's activity to the  
1497 cannabis product board created in Section 26-61-201.

1498 Section ~~3840~~. Section **26-61b-107** is enacted to read:

1499 **26-61b-107. Qualified medical provider registration -- Continuing education --**  
1500 **Treatment recommendation.**

1501 (1) An individual may not recommend a medical cannabis treatment unless the  
1502 department registers the individual as a qualified medical provider in accordance with this

1503 section.

1504 (2) (a) The department shall, within 15 days after the day on which the department  
1505 receives an application from an individual, register and issue a qualified medical provider  
1506 registration card to the individual if the individual provides to the department:

1507 (i) the individual's name and address;

1508 (ii) a report detailing the individual's completion of the applicable continuing  
1509 education requirement described in Subsection (3); and

1510 (iii) evidence that the individual:

1511 (A) has the authority to write a prescription and is licensed under Title 58, Chapter 67,  
1512 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1513 (B) is licensed to prescribe a controlled substance in accordance with Title 58, Chapter  
1514 37, Utah Controlled Substances Act; and

1515 (C) possesses the authority, in accordance with the individual's scope of practice, to  
1516 prescribe a Schedule II controlled substance.

1517 (b) The department may not register an individual as a qualified medical provider if the  
1518 individual is:

1519 (i) a pharmacy medical provider or a state central fill medical provider; or

1520 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
1521 cultivation facility or a medical cannabis pharmacy.

1522 (3) (a) An individual shall complete the continuing education described in this  
1523 Subsection (3) in the following amounts:

1524 (i) for an individual as a condition precedent to registration, four hours; and

1525 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
1526 every two years.

1527 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

1528 (i) complete continuing education:

1529 (A) regarding the topics described in Subsection (3)(d); and

1530 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
1531 continuing education provider that the department recognizes as offering continuing education

1532 appropriate for the recommendation of cannabis to patients; and

1533 (ii) make a continuing education report to the department in accordance with a process

1534 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah



1535 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
1536 Professional Licensing and:

1537 (A) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical  
1538 Practice Act, the Physicians Licensing Board of Pharmacy; and in accordance with

1539 (B) for a qualified medical provider licensed under Title 63G58, Chapter 368, Utah  
1540 Administrative Rulemaking Osteopathic Medical Practice Act, the Osteopathic Physician and  
1541 Surgeon's Licensing Board.

1542 (c) The department may, in consultation with the Division of Occupational and  
1543 Professional Licensing, develop the continuing education described in this Subsection (3).

1544 (d) The continuing education described in this Subsection (3) may discuss:

1545 (i) the provisions of this chapter;

1546 (ii) general information about medical cannabis under federal and state law;

1547 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
1548 including risks and benefits;

1549 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
1550 patient in pain management, risk management, potential addiction, or palliative care; and

1551 (v) best practices for recommending the form and dosage of medical cannabis products  
1552 based on the qualifying condition underlying a medical cannabis recommendation.

1553 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may  
1554 not recommend a medical cannabis treatment to more than 20%~~175~~ of the qualified medical  
1555 provider's patients at any given~~the same~~ time, as determined by the number of medical  
1556 cannabis cards under the qualified medical provider's name in the state electronic verification  
1557 system.

1558 (b) ~~A~~Except as provided in Subsection (4)(c), a qualified medical provider may  
1559 recommend a medical cannabis treatment to ~~more than 20%~~ up to 300 of the qualified medical  
1560 provider's patients at any given time, as determined by the number of medical cannabis cards  
1561 under the qualified medical provider's name in the state electronic verification system, if the  
1562 appropriate American medical board has certified the qualified medical provider in the  
1563 specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and  
1564 palliative ~~care, physiatry~~ medicine, physical medicine and rehabilitation, rheumatology, or  
1565 psychiatry.

1566 (c) (i) Notwithstanding Subsection (4)(a) or (b), a qualified medical provider may

1567 petition the Division of Occupational and Professional Licensing for authorization to exceed  
1568 the limit described in Subsection (4)(a) or (4)(b) by no more than 100 patients.

1569 (ii) The Division of Occupational and Professional Licensing may grant the  
1570 authorization described in Subsection (4)(c)(i) if:

1571 (A) the petitioning qualified medical provider pays a \$100 fee; and

1572 (B) the division determines, after a review that includes the qualified medical  
1573 provider's medical cannabis recommendation activity in the state electronic verification system  
1574 and relevant information related to patient demand, that granting the authorization would not  
1575 adversely affect public safety.

1576 (5) A qualified medical provider may recommend a medical cannabis treatment to an  
1577 individual under this chapter only in the course of a physician-patient relationship after the  
1578 qualified medical provider has completed and documented in the patient's medical record a  
1579 fullthorough assessment of the patient's condition and medical history based on the appropriate  
1580 standard of care for the patient's condition.

1581 (6) (a) Except as provided in Subsection (6)(b), a qualified medical provider may not  
1582 advertise that the qualified medical provider recommends medical cannabis treatment.

1583 (b) For purposes of Subsection (6)(a), the communication of the following, through a  
1584 website, does not constitute advertising:

1585 (i) a green cross;

1586 (ii) a qualifying condition that the qualified medical provider treats; or

1587 (iii) a scientific study regarding medical cannabis use.

1588 (7) (a) A qualified medical provider registration card expires two years after the day on  
1589 which the department issues the card.

1590 (b) The department shall renew a qualified medical provider's registration card if the  
1591 provider:

1592 (i) applies for renewal;

1593 (ii) is eligible for a qualified medical provider registration card under this section;

1594 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

1595 (iii) certifies to the department in a renewal application that the information in  
1596 Subsection (2)(a) is accurate or updates the information; and

1597 (iv) submits a report detailing the completion of the continuing education requirement  
1598 described in Subsection (3).

1599 (8) A qualified medical provider may not receive any compensation or benefit for the  
1600 qualified medical provider's medical cannabis treatment recommendation from:

1601 (a) a cannabis production establishment or an owner, officer, director, board member,  
1602 employee, or agent of a cannabis production establishment;

1603 (b) a medical cannabis pharmacy or an owner, officer, director, board member,  
1604 employee, or agent of a medical cannabis pharmacy; or

1605 (c) a qualified medical provider or pharmacy medical provider.

1606 Section ~~3941~~. Section **26-61b-108** is enacted to read:

1607 **26-61b-108. Standard of care -- ~~Medical practitioners~~Physicians and pharmacists**  
1608 **not liable -- No private right of action.**

1609 (1) ~~If a qualified medical provider recommends treatment with cannabis~~An individual  
1610 ~~described in a medicinal dosage form or a cannabis product in a medicinal dosage form to a~~  
1611 ~~patient in compliance with this chapter, the provider~~Subsection (2) is not subject to the  
1612 ~~following solely for participating in the recommendation process~~violating a federal law or  
1613 ~~regulation that would otherwise prohibit recommending or dispensing medical cannabis, a~~  
1614 ~~medical cannabis product, or a cannabis-based drug that the United States Food and Drug~~  
1615 ~~Administration has not approved:~~

1616 (a) civil or criminal liability; or

1617 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,  
1618 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical  
1619 Practice Act.

1620 (2) ~~Before January 1, 2021,~~The limitations of liability described in Subsection (1)  
1621 apply to:

1622 (a) ~~a physician who has the authority to write a prescription, is~~licensed under Title 58,  
1623 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical  
1624 Practice Act, and:

1625 (i) (A) whom the department has registered as a qualified medical provider; and

1626 (B) who recommends a medical cannabis treatment with cannabis in a medicinal

1627 dosage form or a cannabis product in a medicinal dosage form to a patient is not subject to the  
1628 following solely for participating in recommending the in accordance with this chapter; or

1629 (ii) before January 1, 2021, who:

1630 (A) has the authority to write a prescription; and

1631 (B) recommends a medical cannabis treatment; to a patient who has a qualifying  
1632 condition; and  
1633 ~~—— (a) civil or criminal liability; or~~  
1634 (b) a ~~licensure sanction~~ pharmacist licensed under Title 58, Chapter ~~67, Utah Medical~~  
1635 ~~Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical~~ 17b, Pharmacy Practice Act.:  
1636 (i) whom the department has registered as a pharmacy medical provider or a state  
1637 central fill medical provider; and  
1638 (ii) who dispenses, in a medical cannabis pharmacy or the state central fill medical  
1639 cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product  
1640 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.  
1641 (3) Nothing in this section or chapter reduces or in any way negates the duty of an  
1642 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a  
1643 patient:  
1644 (a) who may have a qualifying condition; and  
1645 (b) (i) for whom the physician described in Subsection (2)(a)(i) or (ii) has  
1646 recommended or might consider recommending a treatment with cannabis or a cannabis  
1647 product; or  
1648 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the  
1649 dosing or dispensing of cannabis or a cannabis product.  
1650 Section ~~4042~~. Section **26-61b-109** is enacted to read:  
1651 **26-61b-109. Medical Cannabis Restricted Account -- Creation.**  
1652 (1) There is created in the General Fund a restricted account known as the "Medical  
1653 Cannabis Restricted Account."  
1654 (2) The account created in this section is funded from:  
1655 (a) money the Department of Agriculture and Food deposits into the account under  
1656 Title 4, Chapter 41b, Cannabis Production Establishments;  
1657 (b) money the department deposits into the account under this chapter;  
1658 (c) appropriations the Legislature makes to the account; and  
1659 (d) the interest described in Subsection (3).  
1660 (3) Interest earned on the account shall be deposited into the account.  
1661 (4) The department, in consultation with the Department of Agriculture and Food, may  
1662 only use money in the account to fund the state medical cannabis program, including:

1663 (a) Title 26, Chapter 61b, Utah Medical Cannabis Act; and  
1664 (b) Title 4, Chapter 41b, Cannabis Production Establishments.

1665 Section ~~4143~~. Section **26-61b-110** is enacted to read:

1666 **26-61b-110. State Central Fill Medical Cannabis Pharmacy Restricted Account --**  
1667 **Creation.**

1668 (1) There is created in the General Fund a restricted account known as the "State  
1669 Central Fill Medical Cannabis Pharmacy Restricted Account."

1670 (2) The account created in this section is funded from:

1671 (a) money the state central fill medical cannabis pharmacy deposits into the account  
1672 under this chapter;

1673 (b) appropriations the Legislature makes to the account; and

1674 (c) the interest described in Subsection (3).

1675 (3) Interest earned on the account shall be deposited into the account.

1676 (4) The department may only use money in the account to fund the operation of the  
1677 state central fill medical cannabis pharmacy.

1678 Section ~~4244~~. Section **26-61b-111** is enacted to read:

1679 **26-61b-111. Nondiscrimination for medical care, housing, employment.**

1680 (1) For purposes of medical care, including an organ or tissue transplant, a patient's  
1681 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis  
1682 product in a medicinal dosage form:

1683 (a) is the equivalent of the authorized use of any other medication used at the  
1684 discretion of a physician; and

1685 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
1686 individual from needed medical care.

1687 (2) A landlord may not refuse to lease to or otherwise penalize an individual ~~solely~~ for  
1688 ~~the individual's status as a~~ using medical cannabis ~~cardholder~~ in accordance with this chapter  
1689 and in a form that does not emit vapor, unless failing to do so would cause the landlord to lose  
1690 a monetary or licensing-related benefit under federal law.

1691 (3) ~~An employer~~ Notwithstanding any other provision of law, the state or any political  
1692 subdivision may not ~~refuse to hire,~~ suspend, terminate, take an adverse employment action  
1693 against, ~~refuse to hire,~~ or otherwise penalize an individual solely for the use of cannabis:

1694 (a) in compliance with this chapter; and

1695 (b) that does not impair the individual's status as a medical cannabis cardholder, unless  
1696 failing to do so would cause the employer to lose a monetary or licensing related benefit under  
1697 federal law work functions.

1698 Section ~~43~~45. Section **26-61b-112** is enacted to read:

1699 **26-61b-112. No insurance requirement.**

1700 Nothing in this chapter requires an insurer, a third-party administrator, or an employer  
1701 to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

1702 Section ~~44~~46. Section **26-61b-113** is enacted to read:

1703 **26-61b-113. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.**

1704 (1) Nothing in this chapter prohibits an individual:

1705 (~~1~~a) with a valid hemp extract registration card that the department issues under

1706 Section 26-56-103 from possessing, administering, or using hemp extract in accordance with

1707 Section 58-37-4.3; or

1708 (~~2~~b) from purchasing, selling, possessing, or using a cannabidiol product in accordance

1709 with Section 4-41-402.

1710 (2) Nothing in this chapter restricts or otherwise affects a physician's ability to

1711 prescribe or a pharmacist's ability to dispense a product that the United States Food and Drug

1712 Administration has approved.

1713 Section ~~45~~47. Section **26-61b-114** is enacted to read:

1714 **26-61b-114. Severability clause.**

1715 (1) If any provision of this title or this bill or the application of any provision of this

1716 title or this bill to any person or circumstance is held invalid by a final decision of a court of

1717 competent jurisdiction, the remaining provisions of this title and this bill remain effective

1718 without the invalidated provision or application.

1719 (2) The provisions of this title and this bill are severable.

1720 Section 48. Section **26-61b-201** is enacted to read:

1721 **Part 2. Medical Cannabis Card Registration**

1722 **26-61b-201. Medical cannabis patient card -- Medical cannabis guardian card**

1723 **Application -- Fees -- Studies.**

1724 (1) On or before March 1, 2020, the department shall, within 15 days after the day on

1725 which an individual who satisfies the eligibility criteria in this section or Section 26-61b-202

1726 submits an application in accordance with this section or Section 26-61b-202:

1727 (a) issue a medical cannabis patient card to an individual described in Subsection  
1728 (2)(a);  
1729 (b) issue a medical cannabis guardian card to an individual described in Subsection  
1730 (2)(b);  
1731 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and  
1732 (d) issue a medical cannabis caregiver card to an individual described in Subsection  
1733 26-61b-202(4).

1734 (2) (a) An individual is eligible for a medical cannabis patient card if:

1735 (i) the individual is at least 18 years old;

1736 (ii) the individual is a Utah resident;

1737 (iii) the individual's qualified medical provider recommends treatment with medical  
1738 cannabis in accordance with Subsection (4);

1739 (iv) the individual signs an acknowledgment stating that the individual received the  
1740 information described in Subsection (8); and

1741 (v) the individual pays to the department a fee in an amount that the department sets in  
1742 accordance with Section 63J-1-504, ~~plus the cost of the criminal background check described~~  
1743 in Section 26-61b-203; and.

1744 ~~—— (vi) the individual has not been convicted of a drug distribution offense that is a felony~~  
1745 ~~under either state or federal law, unless the individual completes any imposed sentence seven~~  
1746 ~~or more years before the day on which the individual applies for a medical cannabis patient~~  
1747 ~~card.~~

1748 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

1749 (iA) is at least ~~18~~21 years old;

1750 (iiB) is a Utah resident;

1751 (iiiC) is the parent or legal guardian of a minor for whom the minor's qualified medical  
1752 provider recommends a medical cannabis treatment;

1753 (ivD) the individual signs an acknowledgment stating that the individual received the  
1754 information described in Subsection (8); ~~and~~

1755 (vE) pays to the department a fee in an amount that the department sets in accordance  
1756 with Section 63J-1-504, plus the cost of the criminal background check described in Section  
1757 26-61b-203; and

1758 (F) the individual has not been convicted of a misdemeanor or felony drug distribution

1759 offense under either state or federal law, unless the individual completed any imposed sentence  
1760 six months or more before the day on which the individual applies for a medical cannabis  
1761 guardian card.

1762 (ii) The department shall notify the Department of Public Safety of each individual that  
1763 the department registers for a medical cannabis guardian card.

1764 (c) (i) A minor is eligible for a provisional patient card if:

1765 (A) the minor has a qualifying condition;

1766 (B) the minor's qualified medical provider recommends a medical cannabis treatment  
1767 to address the minor's qualifying condition; ~~and~~

1768 ~~— (C)~~ (C) the recommendation of the minor's qualified medical provider is confirmed  
1769 through either the minor obtaining a second opinion or the minor's qualified medical provider  
1770 obtaining a consultation with another licensed physician outside the provider's office,  
1771 regardless of whether the consulting physician is licensed within the state if the physician is  
1772 licensed in good standing in the state in which the physician practices; and

1773 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian  
1774 card under Subsection (2)(b).

1775 (ii) The department shall automatically issue a provisional patient card to the minor  
1776 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis  
1777 guardian card to the minor's parent or legal guardian.

1778 (3) (a) An individual who is eligible for a medical cannabis card described in  
1779 Subsection (2)(a) or (b) shall submit an application to the department:

1780 (i) through an electronic application connected to the state electronic verification  
1781 system;

1782 (ii) with the recommending qualified medical provider while in the recommending  
1783 qualified medical provider's office; and

1784 (iii) with information including:

1785 (A) the applicant's name, gender, age, and address;

1786 ~~— (B)~~ (B) the number of the applicant's valid form of identification that is a valid  
1787 United States federal- or state-issued photo identification, including a driver license, a United  
1788 States passport, a United States passport card, or a United States military identification card;

1789 (C) for a medical cannabis guardian card, the name, gender, and age of the minor  
1790 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;



1791 and

1792 (ED) for a provisional patient card, the name of the minor's parent or legal guardian  
1793 who holds the associated medical cannabis guardian card.

1794 (b) The department shall ensure that a medical cannabis card the department issues  
1795 under this section contains the information described in Subsection (3)(a)(iii).

1796 (4) To recommend a medical cannabis treatment to a patient or to renew a  
1797 recommendation, a qualified medical provider shall:

1798 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in  
1799 a medicinal dosage form:

1800 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal  
1801 guardian's valid form of identification ~~that is a valid United States federal- or state-issued~~  
1802 ~~photo identification, including a driver license, a United States passport, a United States~~  
1803 ~~passport card, or a United States military identification card;~~described in Subsection (3)(a);

1804 (ii) review any record related to the patient and, for a minor patient, the patient's parent  
1805 or legal guardian in:

1806 (A) the state electronic verification system; and

1807 (B) the controlled substance database created in Section 58-37f-201; and

1808 (iii) consider the recommendation in light of the patient's qualifying condition and  
1809 history of medical cannabis and controlled substance use; and

1810 (b) state in the qualified medical provider's recommendation that the patient:

1811 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1812 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis  
1813 product in a medicinal dosage form.

1814 (5) A card that the department issues under this section is valid for the lesser of:

1815 (a) an amount of time that the qualified medical provider determines; or

1816 (b) (i) for the first issuance, 30 days; or

1817 (ii) for ~~the first renewal, 60 days; or~~

1818 ~~(iii) for a renewal after the first renewal, six months.~~

1819 (6) (a) A medical cannabis ~~patient card that the department issues under Subsection~~

1820 ~~(2)(or a) or (b)~~ medical cannabis guardian card is renewable if:

1821 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)

1822 or (b); or

1823 (ii) the cardholder received the medical cannabis card through the recommendation of  
1824 the compassionate use board under Section 26-61b-106.

1825 (b) A cardholder ~~under~~ described in Subsection (2)(a) ~~or (b)~~ may renew the  
1826 cardholder's card:

1827 (i) using the application process described in Subsection (3); or

1828 (ii) through phone or video conference with the qualified medical provider who made  
1829 the recommendation underlying the card, at the qualifying medical provider's discretion.

1830 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall  
1831 pay to the department a renewal fee in an amount that:

1832 (i) the department sets in accordance with Section 63J-1-504; and

1833 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in  
1834 comparison to the original application process.

1835 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
1836 patient card renews automatically at the time the minor's parent or legal guardian renews the  
1837 parent or legal guardian's associated medical cannabis guardian card.

1838 (e) The department may revoke a medical cannabis guardian card if the cardholder  
1839 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense  
1840 under either state or federal law.

1841 (7) (a) A cardholder under this section shall carry the cardholder's valid card with the  
1842 patient's name.

1843 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder<sub>7</sub> may  
1844 purchase, in accordance with this chapter and the recommendation underlying the card,  
1845 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a  
1846 medical cannabis device.

1847 (ii) A cardholder under this section may possess or transport, in accordance with this  
1848 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a  
1849 cannabis product in a medicinal dosage form, or a medical cannabis device.

1850 (iii) To address the qualifying condition or a symptom associated with the qualifying  
1851 condition underlying the medical cannabis treatment recommendation:

1852 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use  
1853 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,  
1854 or a medical cannabis device; and

1855 (B) a medical cannabis guardian cardholder may assist the associated provisional  
1856 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis  
1857 product in a medicinal dosage form, or a medical cannabis device.

1858 (c) If neither a licensed medical cannabis pharmacy nor the state central fill medical  
1859 cannabis pharmacy is operating within the state after January 1, 2021, a cardholder under this  
1860 section is not subject to prosecution for the possession of:

1861 (i) no more than 113 grams of marijuana ~~or tetrahydrocannabinol~~ in a medicinal  
1862 dosage form; ~~or~~

1863 ~~(ii)~~ (ii) an amount of cannabis product in a medicinal dosage form that contains no  
1864 more than 20 grams of tetrahydrocannabinol; or

1865 (iii) marijuana drug paraphernalia.

1866 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
1867 Utah Administrative Rulemaking Act, a process to provide information regarding the following  
1868 to an individual receiving a medical cannabis card:

1869 (a) risks associated with medical cannabis treatment;

1870 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
1871 medical cannabis treatment is an efficacious treatment or cure for that condition, as described  
1872 in Subsection 26-61b-105(1); and

1873 (c) other relevant warnings and safety information that the department determines.

1874 (9) The department may establish procedures by rule, in accordance with Title 63G,  
1875 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance  
1876 provisions of this section.

1877 (10) (a) A person may submit to the department a request to conduct a medical  
1878 research study using medical cannabis cardholder data that the state electronic verification  
1879 system contains.

1880 (b) The department shall review a request described in Subsection (10)(a) to determine  
1881 whether the medical research study is valid.

1882 (c) If the department makes a determination under Subsection (10)(b) that the medical  
1883 research study is valid, the department shall notify each relevant cardholder asking for the  
1884 cardholder's consent to participate in the study.

1885 (d) The department may release, for the purposes of a study described in this  
1886 Subsection (10), information about a cardholder under this section who consents to participate

1887 under Subsection (10)(c).

1888 (e) The department may establish standards for a medical research study's validity, by  
1889 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1890 Section ~~4649~~. Section **26-61b-202** is enacted to read:

1891 **26-61b-202. Medical cannabis caregiver card -- Registration -- Renewal --**  
1892 **Revocation.**

1893 (1) A cardholder described in Section 26-61b-201 may designate up to two individuals  
1894 to serve as a designated caregiver for the cardholder if a qualified medical provider determines  
1895 that, because of physical difficulty or undue hardship, the cardholder needs assistance to obtain  
1896 the medical cannabis treatment that the qualified medical provider recommends.

1897 (2) An individual that the department registers as a designated caregiver under this  
1898 section:

1899 (a) may carry a valid medical cannabis caregiver card;

1900 (b) in accordance with this chapter, may purchase, possess, transport, or assist the  
1901 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1902 dosage form, or a medical cannabis device on behalf of the medical cannabis cardholder who  
1903 designated the caregiver;

1904 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
1905 or for a service that the designated caregiver provides in relation to the role as a designated  
1906 caregiver;

1907 (d) may accept reimbursement from the designating medical cannabis cardholder for  
1908 direct costs the designated caregiver incurs for assisting with the cardholder's medicinal use of  
1909 cannabis; and

1910 (e) if neither a licensed medical cannabis pharmacy nor the state central fill medical  
1911 cannabis pharmacy is operating within the state after January 1, 2021, is not subject to  
1912 prosecution for the possession of marijuana or tetrahydrocannabinol in a medicinal dosage  
1913 form or marijuana drug paraphernalia.

1914 (3) (a) The department shall:

1915 (i) within 15 days after the day on which an individual submits an application in  
1916 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

1917 (i) ~~the applicant~~(A) is designated as a caregiver under Subsection (1);

1918 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

1919 (iiC) complies with this section; and  
1920 (ii) notify the Department of Public Safety of each individual that the department  
1921 registers as a designated caregiver.

1922 (b) The department shall ensure that a medical cannabis caregiver card contains the  
1923 information described in Subsection (5)(b).

1924 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1925 (a) is at least 21 years old;

1926 (b) is a Utah resident;

1927 (c) pays to the department a fee in an amount that the department sets in accordance  
1928 with Section 63J-1-504, plus the cost of the criminal background check described in Section  
1929 26-61b-203;

1930 (d) signs an acknowledgment stating that the applicant received the information  
1931 described ~~196~~ in Subsection 26-61b-201(8); and

1932 (e) has not been convicted of a misdemeanor or felony drug distribution offense ~~that is~~  
1933 a felony under either state or federal law, unless the individual completes any imposed  
1934 sentence ~~seven~~two or more years before the day on which the individual submits the  
1935 application.

1936 (5) An ~~individual who is~~ eligible applicant for a medical cannabis caregiver card shall:

1937 (a) submit an application for a medical cannabis caregiver card to the department  
1938 through an electronic application connected to the state electronic verification system; and

1939 (b) submit the following information in the application described in Subsection (5)(a):

1940 (i) the applicant's name, gender, age, and address;

1941 (ii) the name, gender, age, and address of the cardholder described in Section 26-61b-  
1942 201 who designated the applicant; and

1943 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,  
1944 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical  
1945 cannabis guardian cardholder.

1946 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the  
1947 department issues under this section is valid for the lesser of:

1948 (a) an amount of time that the cardholder described in Section 26-61b-201 who  
1949 designated the caregiver determines; or

1950 (b) the amount of time remaining before the card of the cardholder described in

1951 Section 26-61b-201 expires.

1952 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the  
1953 designated caregiver's medical cannabis caregiver card renews automatically at the time the  
1954 cardholder described in Section 26-61b-201 who designated the caregiver:

1955 (i) renews the cardholder's card; and

1956 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1957 (b) The department shall provide a method in the card renewal process to allow a  
1958 cardholder described in Section 26-61b-201 who has designated a caregiver to:

1959 (i) signify that the cardholder renews the caregiver's designation;

1960 (ii) remove a caregiver's designation; or

1961 (iii) designate a new caregiver.

1962 (8) The department may revoke a medical cannabis caregiver card if the designated  
1963 caregiver:

1964 (a) violates this chapter; or

1965 (b) is convicted of an offense that is a felony under either state or federal law.

1966 Section 4750. Section **26-61b-203** is enacted to read:

1967 **26-61b-203. Designated caregiver -- Criminal background check.**

1968 (1) ~~An individual that the department registers as~~Each applicant for a  
1969 ~~designated~~medical cannabis guardian card under Section 26-61b-201 or a medical cannabis  
1970 caregiver card under Section 26-61b-202 shall submit to a criminal background check in  
1971 accordance with Subsection (2).

1972 (2) Each ~~designated caregiver~~applicant described in Subsection (1) shall, upon  
1973 ~~registration and once every two calendar years after registration~~application:

1974 (a) submit to the department a fingerprint card in a form acceptable to the department  
1975 and the Department of Public Safety; and

1976 (b) consent to a fingerprint background check by:

1977 (i) the Utah Bureau of Criminal Identification; and

1978 (ii) the Federal Bureau of Investigation, including registration in the FBI Rap Back  
1979 System, as that term is defined in Section 53-10-108.

1980 (3) The department shall request that the Department of Public Safety complete a

1981 Federal Bureau of Investigation criminal background check for each ~~designated~~

1982 ~~caregiver~~applicant described in Subsection (1) who makes a submission in accordance with

1983 Subsection (2).

1984 (4) The Department of Public Safety shall:

1985 (a) (i) complete a Federal Bureau of Investigation criminal background check for each  
1986 designated caregiver applicant who is the subject of a department request under Subsection (3);  
1987 and

1988 (bii) report the results of the background check to the department—; and

1989 ~~Section 48.~~ (b) register the following in the FBI Rap Back System, as that term is  
1990 defined in Section 53-10-108:

1991 (i) each medical cannabis guardian cardholder that the department reports under  
1992 Subsection 26-61b-201(2)(b)(ii); and

1993 (ii) each designated caregiver the department reports under Subsection 26-61b-  
1994 202(3)(a)(ii).

1995 Section 51. Section **26-61b-204** is enacted to read:

1996 **26-61b-204. Medical cannabis card -- Patient and designated caregiver**  
1997 **requirements -- Rebuttable presumption.**

1998 (1) (a) A medical cannabis cardholder who possesses cannabis in a medicinal dosage  
1999 form or a cannabis product in a medicinal dosage form that the cardholder purchased under this  
2000 chapter shall:

2001 (i) carry at all times the cardholder's medical cannabis card;

2002 (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a  
2003 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

2004 (A) was sold from a licensed medical cannabis pharmacy or the state central fill  
2005 medical cannabis pharmacy; and

2006 (B) includes an identification number that links the cannabis or cannabis product to the  
2007 inventory control system; and

2008 (iii) possess not more than:

2009 (A) 113 grams of unprocessed cannabis; or

2010 (B) an amount of cannabis product that contains 20 grams of total composite  
2011 tetrahydrocannabinol.

2012 (b) ~~If a~~A medical cannabis cardholder who possesses cannabis in a medicinal dosage  
2013 form or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

2014 (i) guilty of an infraction; and

2015 (ii) subject to a \$100 fine.  
2016 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of  
2017 unprocessed cannabis or ~~an~~ a total amount of cannabis product that contains between 20 and 40  
2018 grams of total composite tetrahydrocannabinol, ~~the cardholder~~ is:

2019 (i) guilty of a class B misdemeanor; and

2020 (ii) subject to a fine of \$1,000.

2021 (d) An individual who is subject to a penalty described in Subsection (1)(b) or (c) is  
2022 not subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
2023 conduct underlying the penalty described in Subsection (1)(b) or (c).

2024 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed  
2025 cannabis or a total amount of cannabis product that contains more than 40 grams of total  
2026 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,  
2027 Utah Controlled Substances Act.

2028 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same  
2029 as that term is defined in Section 31A-22-627.

2030 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder or a  
2031 provisional patient cardholder may not use, in public view, cannabis or a cannabis product.

2032 (c) In the event of an emergency medical condition, an individual described in  
2033 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical  
2034 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in  
2035 a medicinal dosage form or a cannabis product in a medicinal dosage form.

2036 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis  
2037 in a medicinal dosage form or a cannabis product in a medicinal dosage form in compliance  
2038 with Subsection (1), or a medical cannabis device that corresponds with the cannabis or  
2039 cannabis product:

2040 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,  
2041 cannabis product, or medical cannabis device legally; and

2042 (b) there is no probable cause, based solely on the cardholder's possession of the  
2043 cannabis, cannabis product, or medical cannabis device, to believe that the cardholder is  
2044 engaging in illegal activity.

2045 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a  
2046 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis



2047 device, and the individual represents to the law enforcement officer that the individual holds a  
2048 valid medical cannabis card, but the individual does not have the medical cannabis card in the  
2049 individual's possession at the time of the stop by the law enforcement officer, the law  
2050 enforcement officer shall attempt to access the state electronic verification system to determine  
2051 whether the individual holds a valid medical cannabis card.

2052 (b) If the law enforcement officer is able to verify that the individual described in  
2053 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

2054 (i) may not arrest or take the individual into custody for the sole reason that the  
2055 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a  
2056 medicinal dosage form, or a medical cannabis device; and

2057 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

2058 ~~(5) An individual who possesses~~Section 52. Section **26-61b-205** is enacted to read:

2059 **26-61b-205. Lost or stolen medical cannabis ~~in~~ card.**

2060 ~~(1) If a medicinal dosage form, a medical cannabis product in a medicinal dosage form,~~  
2061 ~~or a card is lost or stolen, the medical cannabis ~~device in violation of~~ cardholder shall report~~  
2062 ~~the lost or stolen card to the department.~~

2063 ~~(2) Upon receiving the report described in Subsection (1)(a) or (b) is:~~, the department  
2064 ~~shall designate the medical cannabis card as lost or stolen in the state electronic verification~~  
2065 ~~system.~~

2066 ~~—— (a) guilty of an infraction; and~~

2067 ~~(3) A medical cannabis pharmacy agent or a local health department distribution agent~~  
2068 ~~may confiscate a medical cannabis card that is designated as lost or stolen in accordance with~~  
2069 ~~Subsection (2) if an individual presents the card at the relevant medical cannabis pharmacy or~~  
2070 ~~local health department.~~

2071 ~~(4) To request a new medical cannabis card, the medical cannabis cardholder described~~  
2072 ~~in Subsection (1) shall:~~

2073 ~~(a) complete a form that the department designates; and~~

2074 ~~(b) subject to a \$100 fine.~~

2075 ~~—— pay a fee in an amount that the department sets in accordance with Section ~~49~~63J-1-~~  
2076 ~~504.~~

2077 Section 53. Section **26-61b-301** is enacted to read:

2078 **Part 3. Medical Cannabis Pharmacy License**

2079 26-61b-301. Medical cannabis pharmacy -- License -- Eligibility.

2080 (1) A person may not operate as a medical cannabis pharmacy without a license that  
2081 the department issues under this part.

2082 (2) (a) Subject to Subsection (4) and to Section 26-61b-3045, the department shall,  
2083 within 90 business days after the day on which the department receives a complete application,  
2084 issue a license to operate a medical cannabis pharmacy to the applicant if the applicant submits  
2085 to the department:

2086 (i) subject to Subsection (2)(b), a proposed name and address where the applicant will  
2087 operate the medical cannabis pharmacy;

2088 (ii) the name and address of an individual who:

2089 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis  
2090 pharmacy; or

2091 (B) has the power to direct or cause the management or control of a proposed cannabis  
2092 production establishment;

2093 (iii) financial statements demonstrating that the applicant possesses a minimum of  
2094 \$125,000 in liquid assets available for each application submitted to the department;

2095 (iv) an operating plan that:

2096 (A) complies with Section 26-61b-3034; and

2097 (B) includes operating procedures to comply with the operating requirements for a  
2098 medical cannabis pharmacy described in this chapter and with a relevant municipal or county  
2099 law that is consistent with Section 26-61b-507;

2100 (v) if the municipality or county where the proposed medical cannabis pharmacy  
2101 would be located requires a local permit or license, a copy of the applicant's submitted  
2102 application for the local permit or license; and

2103 (vi) an application fee in an amount that the department sets in accordance with  
2104 Section 63J-1-504.

2105 (b) A person may locate a medical cannabis pharmacy within an area in which local  
2106 zoning allows for the operation of either:

2107 (i) a business that sells alcohol; or

2108 (ii) a retail tobacco specialty business, as that term is defined in Section 10-8-41.6 or  
2109 17-50-333.

2110 (3) If the department determines that an applicant is eligible for a license under this

2111 section, the department shall:

2112 (a) charge the applicant an initial license fee in an amount the department sets in  
2113 accordance with Section 63J-1-504.; and

2114 (b) notify the Department of Public Safety of the license approval and the names of  
2115 each individual described in Subsection (2)(a)(ii).

2116 (4) The department may not issue a license to operate a medical cannabis pharmacy to  
2117 an applicant if an individual described in Subsection (2)(a)(ii):

2118 (a) has been convicted of an offense that is a felony under either state or federal law; or

2119 (b) is younger than 21 years old.

2120 (5) The department may revoke a license under this part if:

2121 (a) the medical cannabis pharmacy does not begin operations within one year after the  
2122 day on which the department issues the initial license;

2123 (b) the medical cannabis pharmacy makes the same ~~class of~~-violation of this chapter  
2124 three times; or

2125 (c) ~~the owner or operator of the medical cannabis pharmacy~~an individual described in  
2126 Subsection (2)(a)(ii) is convicted, ~~between renewals,~~ of a felony while the license is active.

2127 (6) The department shall deposit the proceeds of a fee the department imposes under  
2128 this section into the Medical Cannabis Restricted Account.

2129 (7) The department shall begin accepting applications under this part on or before  
2130 March 1, 2020.

2131 ~~(8) Notwithstanding this chapter, if the United States Congress reschedules marijuana~~  
2132 ~~under the Controlled Substances Act:~~

2133 ~~— (a) each medical cannabis pharmacy shall, within one year after the day on which~~  
2134 ~~marijuana is rescheduled:~~

2135 ~~— (i) cease operations; or~~

2136 ~~— (ii) operate as a pharmacy, in accordance with Title 26, Chapter 17b, Pharmacy~~  
2137 ~~Practice Act;~~

2138 ~~— (b) a medical professional authorized to prescribe medications in the relevant schedule~~  
2139 ~~may only recommend or prescribe marijuana in accordance with the restrictions on that~~

2140 ~~schedule, including use of the controlled substance database created in Section 58-37f-201; and~~

2141 ~~— (c) an individual authorized to dispense medications in the relevant schedule may only~~  
2142 ~~dispense marijuana in accordance with the restrictions on that schedule, including use of the~~

2143 ~~controlled substance database created in Section 58-37f-201.~~ ———

2144 ~~Section 50.~~Section 54. Section **26-61b-302** is enacted to read:

2145 **26-61b-302. Medical cannabis pharmacy owners and directors -- Criminal**  
2146 **background checks.**

2147 (1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the  
2148 time of application, from each individual who has a financial or voting interest of 2% or  
2149 greater in the applicant or who has the power to direct or cause the management or control of  
2150 the applicant:

2151 (a) a fingerprint card in a form acceptable to the department; and

2152 (b) consent to a fingerprint background check by the Utah Bureau of Criminal  
2153 Identification and the Federal Bureau of Investigation, including registration in the FBI Rap  
2154 Back System, as that term is defined in Section 53-10-108.

2155 (2) The department shall request that the Department of Public Safety complete a  
2156 Federal Bureau of Investigation criminal background check for each individual described in  
2157 Subsection (1).

2158 (3) The Department of Public Safety shall:

2159 (a) (i) complete a Federal Bureau of Investigation criminal background check for each  
2160 individual who is the subject of a department request under Subsection (2); and

2161 (ii) report the results of the background check to the department; and

2162 (b) register each individual the department reports in relation to a license application  
2163 approval under Subsection 26-61b-301(3)(b) in the FBI Rap Back System, as that term is  
2164 defined in Section 53-10-108.

2165 Section 55. Section **26-61b-303** is enacted to read:

2166 **26-61b-303. Renewal.**

2167 (1) The department shall renew a person's license under this part every two years if, at  
2168 the time of renewal:

2169 (a) the person meets the requirements of Section 26-61b-301; and

2170 (b) the person pays the department a license renewal fee in an amount that the  
2171 department sets in accordance with Section 63J-1-504.

2172 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis  
2173 pharmacy's license, the department shall publish notice of an available license:

2174 (i) in a newspaper of general circulation for the geographic area in which the medical

2175 cannabis pharmacy license is available; or

2176 (ii) on the Utah Public Notice Website established in Section 63F-1-701.

2177 (b) The department may establish criteria, in collaboration with the Division of  
2178 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
2179 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis  
2180 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

2181 Section ~~5156~~. Section **26-61b-3034** is enacted to read:

2182 **26-61b-3034. Operating plan.**

2183 A person applying for a medical cannabis pharmacy license shall submit to the  
2184 department a proposed operation plan for the medical cannabis pharmacy that complies with  
2185 this section and that includes:

2186 (1) a description of the physical characteristics of the proposed facility, including a  
2187 floor plan and an architectural elevation;

2188 (2) a description of the credentials and experience of:

2189 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

2190 (b) any highly skilled or experienced prospective employee;

2191 (3) the medical cannabis pharmacy's employee training standards;

2192 (4) a security plan; and

2193 (5) a description of the medical cannabis pharmacy's inventory control system,

2194 including a plan to make the inventory control system compatible with the state electronic  
2195 verification system.

2196 Section ~~5257~~. Section **26-61b-3045** is enacted to read:

2197 **26-61b-3045. Maximum number of licenses.**

2198 (1) (a) Except as provided in Subsection (1)(b), the department may not issue more  
2199 than five medical cannabis pharmacy licenses.

2200 (b) (i) In addition to the licenses described in Subsection (1)(a), the department may  
2201 issue two additional licenses if the state central fill medical cannabis facility is not operational  
2202 by January 1, 2021.

2203 (ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the  
2204 department may issue two additional licenses if the state central fill medical cannabis facility is  
2205 not operational by July 1, 2021.

2206 (iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),

2207 the department may issue one additional license if the state central fill medical cannabis facility  
2208 is not operational by January 1, 2022.

2209 (2) If there are more qualified applicants than there are available licenses for medical  
2210 cannabis pharmacies, the department shall:

2211 (a) evaluate each applicant and award the license to the applicant that best  
2212 demonstrates:

2213 (i) experience with establishing and successfully operating a business that involves  
2214 complying with a regulatory environment, tracking inventory, and training, evaluating, and  
2215 monitoring employees;

2216 (ii) an operating plan that:

2217 (A) will best ensure the safety and security of patrons and the community; and

2218 (B) mirrors as closely as possible a traditional pharmacy;

2219 (iii) positive connections to the local community;

2220 (iv) the suitability of the proposed location and the location's accessibility for  
2221 qualifying patients; and

2222 (v) the extent to which the applicant can reduce the cost of cannabis or cannabis  
2223 products for patients; and

2224 (b) ensure a geographic dispersal among licensees that is sufficient to reasonably  
2225 maximize access to the largest number of medical cannabis cardholders.

2226 (3) The department may conduct a face-to-face interview with an applicant for a  
2227 license that the department evaluates under Subsection (2).

2228 Section ~~5358~~. Section **26-61b-401** is enacted to read:

2229 **Part 4. Medical Cannabis Pharmacy Agents**

2230 **26-61b-401. Medical cannabis pharmacy agent -- Registration.**

2231 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
2232 cannabis pharmacy unless the department registers the individual as a medical cannabis  
2233 pharmacy agent.

2234 (2) Except as provided in Section 26-61b-404~~3~~, the following individuals, regardless of  
2235 the individual's status as a qualified medical provider, may not act as a medical cannabis  
2236 pharmacy agent:

2237 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
2238 58, Chapter 68, Utah Osteopathic Medical Practice Act;

2239 (b) a physician's assistant licensed under Title 58, Chapter 70Aa, Physician Assistant  
2240 Act; or

2241 (c) an advanced practice registered nurse licensed under Title 58, Chapter 31Bb, Nurse  
2242 Practice Act.

2243 (3) The department shall, within 15 days after the day on which the department  
2244 receives a complete application from a medical cannabis pharmacy on behalf of a prospective  
2245 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent  
2246 registration card to the prospective agent if the medical cannabis pharmacy:

2247 (a) provides to the department the prospective agent's name and address and the name  
2248 and location of the licensed medical cannabis pharmacy where the prospective agent seeks to  
2249 act as the medical cannabis pharmacy agent; and

2250 (b) pays a fee to the department in an amount that the department sets in accordance  
2251 with Section 63J-1-504.

2252 (4) The department shall designate on an individual's medical cannabis pharmacy  
2253 agent registration card the name of the medical cannabis pharmacy where the individual is  
2254 registered as an agent.

2255 (5) A medical cannabis pharmacy agent shall comply with a certification standard that  
2256 the department develops in collaboration with the Division of Occupational and Professional  
2257 Licensing and the Board of Pharmacy, or a third-party certification standard that the  
2258 department designates by rule, in collaboration with the Division of Occupational and  
2259 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter  
2260 3, Utah Administrative Rulemaking Act.

2261 (6) The department shall ensure that the certification standard described in Subsection  
2262 (5) includes training in:

2263 (a) Utah medical cannabis law; and

2264 (b) medical cannabis pharmacy best practices.

2265 (7) The department may revoke the medical cannabis pharmacy agent registration card  
2266 of or refuse to issue a medical cannabis pharmacy agent registration card to an individual who:

2267 (a) violates the requirements of this chapter; or

2268 (b) is convicted of an offense that is a felony under state or federal law.

2269 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the  
2270 day on which the department issues or renews the card.

2271 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
2272 agent:  
2273 (i) is eligible for a medical cannabis pharmacy agent registration card under this  
2274 section;  
2275 (ii) certifies to the department in a renewal application that the information in  
2276 Subsection (3)(a) is accurate or updates the information; and  
2277 (iii) pays to the department a renewal fee in an amount that:  
2278 (A) the department sets in accordance with Section 63J-1-504; and  
2279 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
2280 comparison to the original application process.

2281 Section 5459. Section **26-61b-402** is enacted to read:

2282 ~~**26-61b-402. — Medical cannabis pharmacy agents — Criminal background checks.**~~

2283 ~~(1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the~~  
2284 ~~time of application, from each individual who has a financial or voting interest of two percent~~  
2285 ~~or greater in the applicant or who has the power to direct or cause the management or control~~  
2286 ~~of the applicant:~~

2287 ~~(a) a fingerprint card in a form acceptable to the department; and~~

2288 ~~(b) consent to a fingerprint background check by the Utah Bureau of Criminal~~  
2289 ~~Identification and the Federal Bureau of Investigation;~~

2290 ~~(2) The department shall request that the Department of Public Safety complete a~~  
2291 ~~Federal Bureau of Investigation criminal background check for each individual described in~~  
2292 ~~Subsection (1);~~

2293 ~~(3) The Department of Public Safety shall:~~

2294 ~~(a) complete a Federal Bureau of Investigation criminal background check for each~~  
2295 ~~individual who is the subject of a department request under Subsection (2); and~~

2296 ~~(b) report the results of the background check to the department;~~

2297 ~~Section 55.~~ Section **26-61b-403** is enacted to read:

2298 ~~26-61b-403.~~ **Medical cannabis pharmacy agent registration card -- Rebuttable**  
2299 **presumption.**

2300 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis  
2301 pharmacy agent registration card with the individual at all times when:

2302 (a) the individual is on the premises of a medical cannabis pharmacy; and



2303 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis  
2304 product in a medicinal dosage form, or a medical cannabis device between a cannabis  
2305 production establishment and a medical cannabis pharmacy.

2306 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal  
2307 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or  
2308 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage  
2309 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical  
2310 cannabis device in compliance with Subsection (1):

2311 (a) there is a rebuttable presumption that the individual possesses the cannabis,  
2312 cannabis product, or medical cannabis device legally; and

2313 (b) there is no probable cause, based solely on the individual's possession of the  
2314 cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1), that  
2315 the individual is engaging in illegal activity.

2316 (3) (a) ~~Except as provided in Subsection (3)(b), an individual~~ A medical cannabis  
2317 pharmacy agent who ~~violates~~ fails to carry the agent's medical cannabis pharmacy agent  
2318 registration card in accordance with Subsection (1) is:

2319 (i) for a first or second offense in a two-year period:

2320 (A) guilty of an infraction; and

2321 ~~(B)~~ subject to a \$100 fine.; or

2322 (ii) for a third or subsequent offense in a two-year period:

2323 (A) guilty of a class C misdemeanor; and

2324 (B) subject to a \$750 fine.

2325 (b) (i) The prosecuting entity shall notify the department and the relevant medical  
2326 cannabis pharmacy of each conviction under Subsection (3)(a).

2327 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
2328 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule  
2329 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
2330 Administrative Rulemaking Act.

2331 (c) An individual who ~~willfully, knowingly, or deliberately violates a provision of this~~  
2332 ~~chapter or who violates this chapter three or more times~~ is: subject to a penalty described in  
2333 Subsection (3)(a) is not subject to a penalty under Title 58, Chapter 37, Utah Controlled  
2334 Substances Act, for the conduct underlying the penalty described in Subsection (3)(a).

2335 ~~(i) guilty of a class B misdemeanor; and~~

2336 ~~(ii) subject to a \$1,000 fine.~~

2337 Section ~~5660~~. Section **26-61b-4043** is enacted to read:

2338 **26-61b-4043. Pharmacy medical providers -- Registration -- Continuing**  
2339 **education.**

2340 (1) (a) A medical cannabis pharmacy:

2341 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
2342 Practice Act, as a pharmacy medical provider;

2343 (ii) may employ a physician who has the authority to write a prescription and is  
2344 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
2345 Osteopathic Medical Practice Act, as a pharmacy medical provider;

2346 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)  
2347 works onsite during all business hours; and

2348 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as  
2349 the pharmacist-in-charge to oversee the operation of and generally supervise the medical  
2350 cannabis pharmacy.

2351 (b) An individual may not serve as a pharmacy medical provider unless the department  
2352 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

2353 (2) (a) The department shall, within 15 days after the day on which the department  
2354 receives an application from a medical cannabis pharmacy on behalf of a prospective  
2355 pharmacy medical provider, register and issue a pharmacy medical provider registration card to  
2356 the prospective pharmacy medical provider if the medical cannabis pharmacy:

2357 (i) provides to the department:

2358 (A) the prospective pharmacy medical provider's name and address;

2359 (B) the name and location of the licensed medical cannabis pharmacy where the  
2360 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

2361 (C) a report detailing the completion of the continuing education requirement  
2362 described in Subsection (3); and

2363 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is  
2364 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the  
2365 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical  
2366 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2367 (ii) pays a fee to the department in an amount that the department sets in accordance  
2368 with Section 63J-1-504.

2369 (b) The department may not register a qualified medical provider or a state central fill  
2370 medical provider as a pharmacy medical provider.

2371 (3) (a) A pharmacy medical provider shall complete the continuing education  
2372 described in this Subsection (3) in the following amounts:

2373 (i) as a condition precedent to registration, four hours; and

2374 (ii) as a condition precedent to renewal of the registration, four hours every two years.

2375 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

2376 (i) complete continuing education:

2377 (A) regarding the topics described in Subsection (3)(d); and

2378 (B) offered by the department under Subsection (3)(c) or an accredited or approved

2379 continuing education provider that the department recognizes as offering continuing education

2380 appropriate for the medical cannabis pharmacy practice; and

2381 (ii) make a continuing education report to the department in accordance with a process

2382 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah

2383 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and

2384 Professional Licensing and:

2385 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,

2386 Pharmacy Practice Act, the Board of Pharmacy and in accordance with;

2387 (B) for a pharmacy medical provider licensed under Title ~~63G~~58, Chapter ~~367~~, Utah

2388 ~~Administrative Rulemaking~~Medical Practice Act, the Physicians Licensing Board; and

2389 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah

2390 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

2391 (c) The department may, in consultation with the Division of Occupational and

2392 Professional Licensing, develop the continuing education described in this Subsection (3).

2393 (d) The continuing education described in this Subsection (3) may discuss:

2394 (i) the provisions of this chapter;

2395 (ii) general information about medical cannabis under federal and state law;

2396 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,

2397 including risks and benefits;

2398 (iv) recommendations for medical cannabis as it relates to the continuing care of a

2399 patient in pain management, risk management, potential addiction, and palliative care; or  
2400 (v) best practices for recommending the form and dosage of a medical cannabis  
2401 product based on the qualifying condition underlying a medical cannabis recommendation.

2402 (4) (a) A pharmacy medical provider registration card expires two years after the day  
2403 on which the department issues or renews the card.

2404 (b) A pharmacy medical provider may renew the provider's registration card if the  
2405 provider:

2406 (i) is eligible for a pharmacy medical provider registration card under this section;

2407 (ii) certifies to the department in a renewal application that the information in

2408 Subsection (2)(a) is accurate or updates the information;

2409 (iii) submits a report detailing the completion of the continuing education requirement  
2410 described in Subsection (3); and

2411 (iv) pays to the department a renewal fee in an amount that:

2412 (A) the department sets in accordance with Section 63J-1-504; and

2413 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
2414 comparison to the original application process.

2415 Section ~~5761~~. Section **26-61b-501** is enacted to read:

2416 **Part 5. Medical Cannabis Pharmacy Operation**

2417 **26-61b-501. Operating requirements -- General.**

2418 (1) (a) A medical cannabis pharmacy shall operate:

2419 (i) at the physical address provided to the department under Section 26-61b-301; and

2420 (ii) in accordance with the operating plan provided to the department under Section 26-  
2421 61b-303.

2422 (b) A medical cannabis pharmacy shall notify the department before a change in the  
2423 medical cannabis pharmacy's physical address or operating plan.

2424 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

2425 (a) is at least 18 years old; and

2426 (b) except as provided in Subsection (5), possesses a valid:

2427 (i) medical cannabis pharmacy agent registration card; or

2428 (ii) medical cannabis card.

2429 (3) A medical cannabis pharmacy may not employ an individual who is younger than  
2430 21 years old.

2431 (4) (a) A medical cannabis pharmacy shall conduct a background check into the  
2432 criminal history of each individual before the individual becomes an agent of the medical  
2433 cannabis pharmacy.

2434 (b) A medical cannabis pharmacy may not employ an individual who has been  
2435 convicted of an offense that is a felony under either state or federal law.

2436 (5) Notwithstanding Subsection (2), a medical cannabis pharmacy may authorize an  
2437 individual who is not a medical cannabis pharmacy agent to access the medical cannabis  
2438 pharmacy if the medical cannabis pharmacy tracks and monitors the individual at all times  
2439 while the individual is at the medical cannabis pharmacy and maintains a record of the  
2440 individual's access.

2441 (6) A medical cannabis pharmacy shall operate in a facility that has:

2442 (a) a single, secure public entrance;

2443 (b) a security system with a backup power source that:

2444 (i) detects and records entry into the medical cannabis pharmacy; and

2445 (ii) provides notice of an unauthorized entry to law enforcement when the medical  
2446 cannabis pharmacy is closed; and

2447 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a  
2448 cannabis product.

2449 (7) A medical cannabis pharmacy shall post, both clearly and conspicuously in the  
2450 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection 26-  
2451 61b-502(2).

2452 (8) A medical cannabis pharmacy may not allow an individual to consume cannabis on  
2453 the property or premises of the medical cannabis pharmacy.

2454 (9) A medical cannabis pharmacy may not sell cannabis or a cannabis product without  
2455 first indicating on the cannabis or cannabis product label the name of the medical cannabis  
2456 pharmacy.

2457 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
2458 following information regarding each recommendation underlying a transaction:

2459 (i) the qualified medical provider's name, address, and telephone number;

2460 (ii) the patient's name and address;

2461 (iii) the date of issuance;

2462 (iv) dosing parameters or an indication that the qualified medical provider did not

2463 recommend specific dosing parameters; and

2464 (v) if the patient did not complete the transaction, the name of the medical cannabis  
2465 cardholder who completed the transaction.

2466 (b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless  
2467 the cannabis or cannabis product has a label securely affixed to the container indicating the  
2468 following minimum information:

2469 (i) the name, address, and telephone number of the medical cannabis pharmacy;

2470 (ii) the unique identification number that the medical cannabis pharmacy assigns;

2471 (iii) the date of the sale;

2472 (iv) the name of the patient;

2473 (v) the name of the qualified medical provider who recommended the medical  
2474 cannabis treatment;

2475 (vi) directions for use and cautionary statements, if any;

2476 (vii) the amount dispensed and the cannabinoid content;

2477 (viii) the beyond use date; and

2478 (ix) any other requirements that the department determines, in consultation with the  
2479 Division of Occupational and Professional Licensing and the Board of Pharmacy.

2480 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

2481 (a) unless the medical cannabis cardholder has had a consultation under Subsection 26-  
2482 61b-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of  
2483 cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling  
2484 with the pharmacy medical provider who is a pharmacist; and

2485 (b) provide a telephone number or website by which the cardholder may contact a  
2486 pharmacy medical provider for counseling.

2487 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal  
2488 program that allows an individual to deposit unused or excess medical cannabis, cannabis  
2489 residue from a medical cannabis device, or medical cannabis product in a locked box or other  
2490 secure receptacle within the medical cannabis pharmacy.

2491 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
2492 (12)(a) shall ensure that only a medical cannabis pharmacy agent can access deposited medical  
2493 cannabis or medical cannabis products.

2494 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or

2495 medical cannabis products by:

2496 (i) rendering the deposited medical cannabis or medical cannabis products unusable  
2497 and unrecognizable before transporting deposited medical cannabis or medical cannabis  
2498 products from the medical cannabis pharmacy; and

2499 (ii) disposing of the deposited medical cannabis or medical cannabis products in  
2500 accordance with:

2501 (A) federal and state law, rules, and regulations related to hazardous waste;

2502 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

2503 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

2504 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
2505 3, Utah Administrative Rulemaking Act.

2506 Section ~~5862~~. Section **26-61b-502** is enacted to read:

2507 **26-61b-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**  
2508 **Reporting -- Form of cannabis or cannabis product.**

2509 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this  
2510 chapter:

2511 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired  
2512 from a cannabis processing facility that is licensed under Section 4-41b-201;

2513 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy  
2514 acquired from a cannabis processing facility that is licensed under Section 4-41b-201;

2515 (iii) a medical cannabis device; or

2516 (iv) educational material related to the medical use of cannabis.

2517 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to  
2518 an individual with:

2519 (i) a medical cannabis card; and

2520 (ii) corresponding identification that is a valid United States federal- or state-issued  
2521 photo identification, including a driver license, a United States passport, a United States  
2522 passport card, or a United States military identification card.

2523 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
2524 cannabis-based drug that the United State Food and Drug Administration has approved.

2525 (2) A medical cannabis pharmacy may not dispense:

2526 (a) to a medical cannabis cardholder in any one ~~14~~12-day period, more than the lesser

2527 of:

2528 (i) an amount sufficient to provide 14 days of treatment based on the dosing  
2529 parameters that the relevant qualified medical provider recommends; or

2530 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form  
2531 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol  
2532 in the cannabis; or

2533 (B) an amount of cannabis products that is in a medicinal dosage form and that  
2534 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

2535 (b) to a medical cannabis cardholder whose primary residence is located more than 100  
2536 miles from the nearest medical cannabis pharmacy or local health department, in any one  
2537 3028-day period, more than the lesser of:

2538 (i) an amount sufficient to provide 30 days of treatment based on the dosing  
2539 parameters that the relevant qualified medical provider recommends; or

2540 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage  
2541 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and  
2542 cannabidiol in the cannabis; or

2543 (B) an amount of cannabis products that is in a medicinal dosage form and that  
2544 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

2545 (c) to an individual whose qualified medical provider did not recommend dosing  
2546 parameters, until the individual consults with the pharmacy medical provider in accordance  
2547 with Subsection (4), any cannabis or cannabis products.

2548 (3) An individual with a medical cannabis card may not purchase:

2549 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)  
2550 in any one 1412-day period; or

2551 (b) if the relevant qualified medical provider did not recommend dosing parameters,  
2552 until the individual consults with the pharmacy medical provider in accordance with  
2553 Subsection (4), any cannabis or cannabis products.

2554 (4) If a qualified medical provider recommends treatment with cannabis or a cannabis  
2555 product but does not provide dosing parameters:

2556 (a) the qualified medical provider shall document in the recommendation:

2557 (i) an evaluation of the qualifying condition underlying the recommendation;

2558 (ii) prior treatment attempts with cannabis and cannabis products; and



2559 (iii) the patient's current medication list; and  
2560 (b) before the relevant medical cannabis cardholder may obtain cannabis in a  
2561 medicinal dosage form or a cannabis product in a medicinal dosage form, the pharmacy  
2562 medical provider shall:  
2563 (i) review pertinent medical records, including the qualified medical provider  
2564 documentation described in Subsection (4)(a); and  
2565 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with  
2566 the recommending qualified medical provider as needed, determine the best course of  
2567 treatment through consultation with the cardholder regarding:  
2568 (aA) the patient's qualifying condition underlying the recommendation from the  
2569 qualified medical provider;  
2570 (bB) indications for available treatments; ~~and~~  
2571 (cC) dosing parameters; and  
2572 (D) potential adverse reactions.  
2573 (5) A medical cannabis pharmacy shall:  
2574 (a) (i) access the state electronic verification system before dispensing cannabis or a  
2575 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,  
2576 where applicable, the associated patient has met the maximum amount of cannabis or cannabis  
2577 products described in Subsection (2); and  
2578 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the  
2579 maximum amount described in Subsection (2):  
2580 (A) decline the sale; and  
2581 (B) notify the qualified medical provider who made the underlying recommendation;  
2582 (b) submit a record to the state electronic verification system each time the medical  
2583 cannabis pharmacy dispenses cannabis or a cannabis product to a medical cannabis cardholder;  
2584 (c) package any cannabis or cannabis product that is in a blister pack in a container  
2585 that:  
2586 (i) complies with Subsection 4-41b-602(2);  
2587 (ii) is tamper-resistant and tamper-evident; and  
2588 (iii) opaque; and  
2589 (d) for a product that is a cube that is designed for ingestion through chewing or  
2590 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks

2591 of over-consumption.

2592 (6) (a) Except as provided in Subsection (6)(b), a medical cannabis pharmacy may not  
2593 sell medical cannabis in the form of a cigarette or a medical cannabis device that is  
2594 intentionally designed or constructed to resemble a cigarette.

2595 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms  
2596 cannabis material into a vapor without the use of a flame and that delivers cannabis to an  
2597 individual's respiratory system.

2598 (7) A medical cannabis pharmacy may not give, at no cost, a product that the medical  
2599 cannabis pharmacy is allowed to sell under Subsection (1).

2600 Section ~~5963~~. Section **26-61b-503** is enacted to read:

2601 **26-61b-503. Partial filling.**

2602 (1) As used in this section, "partially fill" means to provide less than the full amount of  
2603 cannabis or cannabis product that the qualified medical provider recommends, if the qualified  
2604 medical provider recommended specific dosing parameters.

2605 (2) A pharmacy medical provider may partially fill a recommendation for a medical  
2606 cannabis treatment at the request of the qualified medical provider who issued the medical  
2607 cannabis treatment recommendation or the medical cannabis cardholder.

2608 (3) The department shall make rules, in collaboration with the Division of  
2609 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
2610 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,  
2611 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment  
2612 recommendation.

2613 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a  
2614 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
2615 limits in Subsection 26-61b-502(2), to fill the quantity remaining of a partially filled medical  
2616 cannabis treatment recommendation if:

2617 (a) the pharmacy medical provider determined dosing parameters for the partial fill  
2618 under Subsection 26-61b-502(4); and

2619 (b) the medical cannabis cardholder reports that:

2620 (i) the partial fill did not substantially affect the qualifying condition underlying the  
2621 medical cannabis recommendation; or

2622 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise

2623 unable to successfully use the partial fill.

2624 Section ~~6064~~. Section **26-61b-504** is enacted to read:

2625 **26-61b-504. Records -- Inspections.**

2626 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis  
2627 treatment recommendation files and other records in accordance with this chapter, department  
2628 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.  
2629 104-191, 110 Stat. 1936, as amended.

2630 (2) The department may inspect the records and facility of a medical cannabis  
2631 pharmacy at any time during business hours in order to determine if the medical cannabis  
2632 pharmacy complies with this chapter.

2633 (3) An inspection under this section may include:

2634 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
2635 physical or electronic information;

2636 (b) questioning of any relevant individual;

2637 (c) inspection of equipment, an instrument, a tool, or machinery, including a container  
2638 or label.

2639 (4) In making an inspection under this section, the department may freely access any  
2640 area and review and make copies of a book, record, paper, document, data, or other physical or  
2641 electronic information, including financial data, sales data, shipping data, pricing data, and  
2642 employee data.

2643 (5) Failure to provide the department or the department's authorized agents immediate  
2644 access to records and facilities during business hours in accordance with this section may result  
2645 in:

2646 (a) the imposition of a civil monetary penalty that the department sets in accordance  
2647 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2648 (b) license or registration suspension or revocation; or

2649 (c) an immediate cessation of operations under a cease and desist order that the  
2650 department issues.

2651 Section ~~6165~~. Section **26-61b-505** is enacted to read:

2652 **26-61b-505. Advertising.**

2653 (1) Except as provided in Subsections (2) and (3), a medical cannabis pharmacy may  
2654 not advertise in any medium.

2655 (2) A medical cannabis pharmacy may use signage on the outside of the medical  
2656 cannabis pharmacy that includes only:

2657 (a) the medical cannabis pharmacy's name and hours of operation; and

2658 (b) a green cross.

2659 (3) A medical cannabis pharmacy may maintain a website that includes information  
2660 about:

2661 (a) the location and hours of operation of the medical cannabis pharmacy;

2662 (b) a product or service available at the medical cannabis pharmacy;

2663 (c) personnel affiliated with the medical cannabis pharmacy;

2664 (d) best practices that the medical cannabis pharmacy upholds; and

2665 (e) educational material related to the medical use of cannabis.

2666 Section ~~6266~~. Section **26-61b-506** is enacted to read:

2667 **26-61b-506. Cannabis, cannabis product, or medical cannabis device**  
2668 **transportation.**

2669 (1) Only the following individuals may transport cannabis in a medicinal dosage form,  
2670 a cannabis product in a medicinal dosage form, or a medical cannabis device under this  
2671 chapter:

2672 (a) a registered medical cannabis pharmacy agent;

2673 (b) a registered state central fill agent;

2674 (c) a courier for a state central fill shipment described in Section 26-61b-605; or

2675 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment  
2676 that the cardholder is authorized to transport.

2677 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter  
2678 61b, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment that the  
2679 cardholder is authorized to transport, an individual described in Subsection (1) shall possess a  
2680 transportation manifest that:

2681 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
2682 cannabis device to a relevant inventory control system;

2683 (b) includes origin and destination information for cannabis, a cannabis product, or a  
2684 medical cannabis device that the individual is transporting; and

2685 (c) identifies the departure and arrival times and locations of the individual  
2686 transporting the cannabis, cannabis product, or medical cannabis device.

2687 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
2688 establish by rule, in collaboration with the Division of Occupational and Professional  
2689 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
2690 Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage  
2691 form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure  
2692 that the cannabis, cannabis product, or medical cannabis device remains safe for human  
2693 consumption.

2694 (b) The transportation described in Subsection (3)(a) is limited to transportation:  
2695 (i) between a medical cannabis pharmacy and another medical cannabis pharmacy; and  
2696 (ii) between the state central fill medical cannabis pharmacy and:  
2697 (A) another state central fill medical cannabis pharmacy location; or  
2698 (B) a local health department.

2699 (4) (a) It is unlawful for a registered medical cannabis pharmacy agent, a registered  
2700 state central fill agent, or a courier described in Section 26-61b-605 to make a transport  
2701 described in this section with a manifest that does not meet the requirements of this section.

2702 (b) Except as provided in Subsection (4)(ed), an agent or courier who violates  
2703 Subsection (4)(a) is:

2704 (i) guilty of an infraction; and  
2705 (ii) subject to a \$100 fine.

2706 ~~\_\_\_\_\_ (e)~~ (c) An individual who is subject to a penalty described in Subsection (4)(b) is  
2707 not subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
2708 conduct underlying the penalty described in Subsection (4)(b).

2709 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,  
2710 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
2711 minimis administrative error:

2712 ~~\_\_\_\_\_ (a) this chapter does not apply; and~~

2713 ~~\_\_\_\_\_ (b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled~~  
2714 ~~Substances Act.~~

2715 ~~\_\_\_\_\_ Section \_\_\_\_\_ (a) this chapter does not apply; and~~

2716 ~~\_\_\_\_\_ (b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled~~  
2717 ~~Substances Act.~~

2718 ~~\_\_\_\_\_ Section 6367.~~ Section **26-61b-507** is enacted to read:

2719 26-61b-507. Local control.

2720 (1) A municipality or county may not:

2721 (a) enact a zoning ordinance that prohibits a medical cannabis pharmacy from  
2722 operating at a location within the municipality's or county's jurisdiction in which at least one of  
2723 the following is allowed to operate:

2724 (i) a business that sells alcohol; or

2725 (ii) a retail tobacco specialty business, as that term is defined in Section 10-8-41.6 or  
2726 17-50-333; or

2727 (b) deny or revoke a permit or license to operate a medical cannabis pharmacy on the  
2728 sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the  
2729 legal status of cannabis.

2730 (2) A municipality or county may enact an ordinance that:

2731 (a) is not in conflict with this chapter; and

2732 (b) governs the time, place, or manner of medical cannabis pharmacy operations in the  
2733 municipality or county.

2734 Section 6468. Section 26-61b-601 is enacted to read:

2735 **Part 6. State ~~central fill pharmacy shipment process~~ Central Fill Medical Cannabis**  
2736 **Pharmacy.**

2737 26-61b-601. Department to establish state central fill medical cannabis pharmacy  
2738 -- Duties -- Pharmacy medical provider registration -- Continuing education.

2739 (1) On or before July 1, 2020, the department shall establish or contract to establish, in  
2740 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central fill medical  
2741 cannabis pharmacy as described in this section.

2742 (2) The state central fill medical cannabis pharmacy shall:

2743 (a) procure cannabis that a cannabis processing facility processes into a medicinal  
2744 dosage form;

2745 (b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage  
2746 form, or a medical cannabis device for shipment to a medical cannabis cardholder under a  
2747 qualified medical provider's recommendation to address a qualifying condition;

2748 (c) transport a state central fill shipment, in accordance with Section 26-61b-605, to the  
2749 relevant local health department for distribution, in accordance with Section 26-61b-607;

2750 (d) (i) (A) if the state establishes the state central fill medical cannabis pharmacy,

2751 process and accept electronic payment for a transaction involving a state central fill shipment;  
2752 and/or  
2753 (B) if the state establishes the state central fill medical cannabis pharmacy by contract,  
2754 process prepaid requests for a state central fill shipment from the department; and  
2755 (ii) deposit funds that the state central fill medical cannabis pharmacy collects under  
2756 Subsection (2)(d)(i) into the State Central Fill Medical Cannabis Pharmacy Restricted Account  
2757 created in Section 26-61b-110.

2758 (3) (a) An individual may not enter ~~the~~ a state central fill medical cannabis pharmacy  
2759 location unless:

2760 (i) the individual is a state central fill agent or an employee of the state central fill  
2761 medical cannabis pharmacy;  
2762 (ii) the individual is an employee of the department; or  
2763 (iii) a state central fill agent escorts the individual at all times.

2764 (b) An individual who violates Subsection (3)(a) is:

2765 (i) guilty of an infraction; and  
2766 (ii) subject to a \$100 fine.

2767 (c) An individual who is subject to a penalty described in Subsection (3)(b) is not  
2768 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
2769 conduct underlying the penalty described in Subsection (3)(b).

2770 (4) (a) The state central fill medical cannabis pharmacy:

2771 (i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b,  
2772 Pharmacy Practice Act, as a state central fill medical provider;  
2773 (ii) may employ a physician who has the authority to write a prescription and is  
2774 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
2775 Osteopathic Medical Practice Act, as a state central fill medical provider;  
2776 (iii) shall ensure that a state central fill medical provider described in Subsection  
2777 (4)(a)(i) works onsite at each location during all business hours; and  
2778 (iv) shall designate one state central fill medical provider described in Subsection  
2779 (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section 58-17b-102, to oversee  
2780 the operation of and generally supervise the state central fill medical cannabis pharmacy; and  
2781 (v) may establish more than one location in which the state central fill medical  
2782 cannabis pharmacy operates if the department determines, after an analysis of the current and

2783 anticipated market for cannabis in a medicinal dosage form and cannabis products in a  
2784 medicinal dosage form, including costs and logistical issues in transportation of state central  
2785 fill shipments, that multiple central fill locations are necessary to provide an adequate supply  
2786 of state central fill shipments to local health departments for distribution to recipient medical  
2787 cannabis cardholders.

2788 (b) An individual may not serve as a state central fill medical provider unless the  
2789 department registers the individual as a state central fill medical provider.

2790 (5) (a) The department shall, within 15 days after the day on which the department  
2791 receives an application from the state central fill medical cannabis pharmacy on behalf of a  
2792 prospective state central fill medical provider, register and issue a state central fill medical  
2793 provider registration card to the prospective state central fill medical provider if the state  
2794 central fill medical cannabis pharmacy provides to the department:

2795 (i) the prospective state central fill medical provider's name and address; and

2796 (ii) evidence that the prospective state central fill medical provider is:

2797 (A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

2798 or

2799 (B) a physician who has the authority to write a prescription and is licensed under Title  
2800 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical  
2801 Practice Act.

2802 (b) The department may not register a qualified medical provider or a pharmacy  
2803 medical provider as a state central fill medical provider.

2804 (6) (a) A state central fill medical provider shall complete the continuing education  
2805 described in this Subsection (6) in the following amounts:

2806 (i) as a condition precedent to registration, four hours; and

2807 (ii) as a condition precedent to renewal, four hours every two years.

2808 (b) In accordance with Subsection (6)(a), the state central fill medical provider shall:

2809 (i) complete continuing education:

2810 (A) regarding the topics described in Subsection (6)(d); and

2811 (B) offered by the department under Subsection (6)(c) or an accredited or approved

2812 continuing education provider that the department recognizes as offering continuing education  
2813 appropriate for the medical cannabis pharmacy practice; and

2814 (ii) make a continuing education report to the department in accordance with a process



2815 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
2816 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
2817 Professional Licensing and ~~the Board of Pharmacy and in accordance with Title 63G, Chapter~~  
2818 3, Utah Administrative Rulemaking Act.:

2819 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,  
2820 Pharmacy Practice Act, the Board of Pharmacy;

2821 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah  
2822 Medical Practice Act, the Physicians Licensing Board; and

2823 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah  
2824 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

2825 (c) The department may, in consultation with the Division of Occupational and  
2826 Professional Licensing, develop the continuing education described in this Subsection (6).

2827 (d) The continuing education described in this Subsection (6) may discuss:

2828 (i) the provisions of this chapter;

2829 (ii) general information about medical cannabis under federal and state law;

2830 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
2831 including risks and benefits;

2832 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2833 patient in pain management, risk management, potential addiction, and palliative care; or

2834 (v) best practices for recommending the form and dosage of medical cannabis products  
2835 based on the qualifying condition underlying the medical cannabis recommendation.

2836 (7) (a) A state central fill medical provider registration card expires two years after the  
2837 day on which the department issues or renews the card.

2838 (b) A state central fill medical provider may renew the provider's registration card if  
2839 the provider:

2840 (i) is eligible for a state central fill medical provider registration card under this  
2841 section;

2842 (ii) certifies to the department in a renewal application that the information in  
2843 Subsection (5) is accurate or updates the information; and

2844 (iii) submits a report detailing the completion of the continuing education requirement  
2845 described in Subsection (6).

2846 Section ~~6569~~. Section **26-61b-602** is enacted to read:

2847 26-61b-602. State central fill agent -- Background check -- Registration card --  
2848 **Rebuttable presumption.**

2849 (1) An individual may not serve as a state central fill agent unless:

2850 (a) the individual is an employee of the state central fill medical cannabis pharmacy;

2851 and

2852 (b) the department registers the individual as a state central fill agent.

2853 (2) (a) The department shall, within 15 days after the day on which the department

2854 receives a complete application from the state central fill medical cannabis pharmacy on behalf

2855 of a prospective state central fill agent, register and issue a state central fill agent registration

2856 card to the prospective agent if the state central fill medical cannabis pharmacy:

2857 (i) provides to the department:

2858 (A) the prospective agent's name and address;

2859 (B) a fingerprint card in a form acceptable to the department; and

2860 (C) the prospective agent's consent to a fingerprint background check by the Utah

2861 Bureau of Criminal Identification and the Federal Bureau of Investigation, including

2862 registration in the FBI Rap Back System, as that term is defined in Section 53-10-108; and

2863 (ii) as reported under Subsection (2)(c), has not been convicted of an offense that is a

2864 felony under state or federal law.

2865 (b) (i) The department shall request that the Department of Public Safety complete a

2866 Federal Bureau of Investigation criminal background check for each prospective agent

2867 described in Subsection (2)(a).

2868 (ii) The department shall notify the Department of Public Safety of each individual that

2869 the department registers as a state central fill agent.

2870 (c) The Department of Public Safety shall:

2871 (i) (A) complete a Federal Bureau of Investigation criminal background check for each

2872 prospective agent who is the subject of a department request under Subsection (2)(b); and

2873 (B) report the results of the background check to the department; and

2874 (ii) register each state central fill agent the department reports under Subsection

2875 (2)(b)(ii) in the FBI Rap Back System, as that term is defined in Section 53-10-108.

2876 (3) (a) A state central fill agent shall comply with a certification standard that the

2877 department develops, in collaboration with the Division of Occupational and Professional

2878 Licensing and the Board of Pharmacy, or a third-party certification standard that the

2879 department designates by rule, in collaboration with the Division of Occupational and  
2880 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter  
2881 3, Utah Administrative Rulemaking Act.

2882 (b) The department shall ensure that the certification standard described in Subsection  
2883 (3)(a) includes continuing education in:

2884 (i) Utah medical cannabis law;

2885 (ii) the state central fill medical cannabis pharmacy shipment process; and

2886 (iii) state central fill agent best practices.

2887 (4) The department may revoke or refuse to issue the state central fill agent registration  
2888 card of an individual who:

2889 (a) violates the requirements of this chapter; or

2890 (b) is convicted of an offense that is a felony under state or federal law.

2891 (5) (a) A state central fill agent registration card expires two years after the day on  
2892 which the department issues or renews the card.

2893 (b) A state central fill agent may renew the agent's registration card if the agent:

2894 (i) is eligible for a state central fill registration card under this section; and

2895 (ii) certifies to the department in a renewal application that the information in  
2896 Subsection (2)(a) is accurate or updates the information.

2897 (6) A state central fill agent who the department registers under this section shall carry  
2898 the individual's state central fill agent registration card with the individual at all times when:

2899 (a) the individual is on the premises of the state central fill medical cannabis  
2900 pharmacy; and

2901 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis  
2902 product in a medicinal dosage form, or a medical cannabis device between a cannabis  
2903 production establishment and the state central fill medical cannabis pharmacy.

2904 (7) If an individual handling cannabis, a cannabis product, or a medical cannabis  
2905 device handles the cannabis, cannabis product, or medical cannabis device in compliance with  
2906 Subsection (6):

2907 (a) there is a rebuttable presumption that the individual possesses the cannabis,  
2908 cannabis product, or medical cannabis device legally; and

2909 (b) there is no probable cause, based solely on the individual's handling of the  
2910 cannabis, cannabis product, or medical cannabis device, that the individual is engaging in

2911 illegal activity.

2912 (8) (a) An individual who violates Subsection (6) is:

2913 (ai) guilty of an infraction; and

2914 (bii) subject to a \$100 fine.

2915 (b) An individual who is subject to a penalty described in Subsection (8)(a) is not  
2916 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
2917 conduct underlying the penalty described in Subsection (8)(a).

2918 Section ~~66~~70. Section **26-61b-603** is enacted to read:

2919 **26-61b-603. Recommendation.**

2920 (1) When an individual receives a recommendation for a medical cannabis treatment  
2921 from the individual's qualified medical provider, the individual may initiate a shipment from  
2922 the state central fill medical cannabis pharmacy to a local health department by:

2923 (a) contacting the state central fill medical cannabis pharmacy directly; or

2924 (b) requesting that the qualified medical provider initiate the shipment through the  
2925 state electronic verification system.

2926 (2) Upon receiving a request to prepare a shipment under Subsection (1), a state central  
2927 fill agent shall:

2928 (a) verify the shipment information using the state electronic verification system;

2929 (b) process payment, including contacting the medical cannabis cardholder to complete  
2930 payment if necessary;

2931 (c) prepare the shipment in accordance with Section 26-61b-604;

2932 (d) record the preparation of the shipment in the electronic verification system; and

2933 (e) place the shipment for transportation in accordance with Section 26-61b-605.

2934 Section ~~67~~71. Section **26-61b-604** is enacted to read:

2935 **26-61b-604. State central fill shipment preparation.**

2936 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a  
2937 local health department a product other than:

2938 (i) cannabis in medicinal dosage form that the state central fill medical cannabis  
2939 pharmacy acquired from a cannabis processing facility that is licensed under Section 4-41b-  
2940 201;

2941 (ii) a cannabis product in medicinal dosage form that the state central fill medical  
2942 cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section

2943 4-41b-201;

2944 (iii) a medical cannabis device; or

2945 (iv) educational material related to the medical use of cannabis.

2946 (b) The state central fill medical cannabis pharmacy may only sell or ship an item  
2947 listed in Subsection (1)(a) in response to a request for shipment described in Subsection 26-  
2948 61b-603(1).

2949 (c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy  
2950 may not sell a cannabis-based drug that the United States Food and Drug Administration has  
2951 approved.

2952 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

2953 (a) for a medical cannabis cardholder in any one ~~14~~12-day period, more than the lesser  
2954 of:

2955 (i) an amount sufficient to provide 14 days of treatment based on the dosing  
2956 parameters that the relevant qualified medical provider recommends; or

2957 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form  
2958 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol  
2959 in the cannabis; or

2960 (B) an amount of cannabis products that is in a medicinal dosage form and that  
2961 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

2962 (b) to a medical cannabis cardholder whose primary residence is located more than 100  
2963 miles from the nearest medical cannabis pharmacy or local health department, in any one  
2964 ~~30~~28-day period, more than the lesser of:

2965 (i) an amount sufficient to provide 30 days of treatment based on the dosing  
2966 parameters that the relevant qualified medical provider recommends; or

2967 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage  
2968 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and  
2969 cannabidiol in the cannabis; or

2970 (B) an amount of cannabis products that is in a medicinal dosage form and that  
2971 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

2972 (c) for an individual whose qualified medical provider did not recommend dosing  
2973 parameters, any cannabis or cannabis product, until the individual consults with the state  
2974 central fill medical provider in accordance with Subsection (4).

2975 (3) A medical cannabis cardholder may not receive a state central fill shipment  
2976 containing:  
2977 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)  
2978 in any one 1412-day period; or  
2979 (b) if the relevant qualified medical provider did not recommend dosing parameters,  
2980 any cannabis or cannabis product, until the cardholder consults with the state central fill  
2981 medical provider in accordance with Subsection (4).  
2982 (4) If a qualified medical provider recommends treatment with cannabis or a cannabis  
2983 product but does not provide dosing parameters, ~~before the medical cannabis cardholder may~~  
2984 ~~receive a state central fill shipment the state central fill medical provider shall determine the~~  
2985 ~~best course of treatment through consultation with the cardholder regarding:~~  
2986 ~~——~~ (a) the qualified medical provider shall document in the recommendation:  
2987 (i) an evaluation of the qualifying condition underlying the recommendation;  
2988 (ii) prior treatment attempts with cannabis and cannabis products; and  
2989 (iii) the patient's current medication list; and  
2990 (b) before the relevant medical cannabis cardholder may receive a state central fill  
2991 shipment, the state central fill medical provider shall:  
2992 (i) review pertinent medical records, including the qualified medical provider  
2993 documentation described in Subsection (4)(a); and  
2994 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with  
2995 the recommending qualified medical provider as needed, determine the best course of  
2996 treatment through consultation with the cardholder regarding:  
2997 (A) the patient's qualifying condition underlying the recommendation from the  
2998 qualified medical provider;  
2999 ~~(bB) indications for available treatments; and~~  
3000 ~~(cC) dosing parameters; and~~  
3001 ~~(D) potential adverse reactions.~~  
3002 (5) The state central fill medical cannabis pharmacy shall:  
3003 (a) (i) access the state electronic verification system before preparing a shipment of  
3004 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where  
3005 applicable, the associated patient has met the maximum amount of cannabis or cannabis  
3006 product described in Subsection (2); and

3007 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the  
3008 maximum amount described in Subsection (2):

3009 (A) decline the request to prepare the shipment; and  
3010 (B) notify the qualified medical provider that made the recommendation;

3011 (b) submit a record to the state electronic verification system each time the state central  
3012 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,  
3013 or a medical cannabis device;

3014 (c) package any cannabis or cannabis product that is in a blister pack in a container  
3015 that:

3016 (i) complies with Subsection 4-41b-602(2);  
3017 (ii) is tamper-resistant and tamper-evident; and  
3018 (iii) opaque; and

3019 (d) for any product that is a cube that is designed for ingestion through chewing or  
3020 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
3021 of over-consumption.

3022 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis  
3023 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device  
3024 that is intentionally designed or constructed to resemble a cigarette.

3025 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis  
3026 device that warms cannabis material into a vapor without the use of a flame and that delivers  
3027 cannabis to an individual's respiratory system.

3028 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product  
3029 that the medical cannabis pharmacy is allowed to sell under Subsection (1).

3030 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's  
3031 records the following information regarding each recommendation underlying a transaction:

3032 (i) the qualified medical provider's name, address, and telephone number;  
3033 (ii) the patient's name and address;  
3034 (iii) the date of issuance;

3035 (iv) dosing parameters or an indication that the qualified medical provider did not  
3036 recommend specific dosing parameters; and

3037 (v) the name and the address of the medical cannabis cardholder if the cardholder is  
3038 not the patient.

3039 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a  
3040 cannabis product unless the cannabis or cannabis product has a label securely affixed to the  
3041 container indicating the following minimum information:

3042 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

3043 (ii) the unique identification number that the state central fill medical cannabis  
3044 pharmacy assigns;

3045 (iii) the date of the sale;

3046 (iv) the name of the medical cannabis cardholder;

3047 (v) the name of the qualified medical provider who recommends the medical cannabis  
3048 treatment;

3049 (vi) directions for use and cautionary statements, if any;

3050 (vii) the amount dispensed and the cannabinoid content;

3051 (viii) the beyond use date; and

3052 (ix) any other requirements that the department determines, in consultation with the  
3053 Division of Occupational and Professional Licensing and the Board of Pharmacy.

3054 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or  
3055 a state central fill agent shall:

3056 (a) include in each state central fill shipment written counseling regarding the state  
3057 central fill shipment; and

3058 (b) provide a telephone number or website by which a medical cannabis cardholder  
3059 may contact a pharmacy medical provider for counseling.

3060 Section ~~6872~~. Section **26-61b-605** is enacted to read:

3061 **26-61b-605. State central fill shipment transportation.**

3062 (1) The state central fill medical cannabis pharmacy shall ensure that the state central  
3063 fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in  
3064 medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis  
3065 device to each local health department in the state within ~~24 hours of receiving~~two business  
3066 days after the day on which the state central fill medical cannabis pharmacy receives a request  
3067 for a state central fill shipment resulting from a recommendation of a qualified medical  
3068 provider under Section 26-61b-603.

3069 (2) (a) The department may contract with a private entity for the entity to serve as a  
3070 courier for the state ~~dispensary~~ central fill medical cannabis pharmacy, delivering state central



3071 fill shipments to local health departments for distribution to medical cannabis cardholders.  
3072 (b) If the department enters into a contract described in Subsection (2)(a), the  
3073 department shall:  
3074 (i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,  
3075 Chapter 6a, Utah Procurement Code;  
3076 (ii) impose security and personnel requirements on the contracted private entity  
3077 sufficient to ensure the security and safety of state central fill shipments; and  
3078 (iii) provide regular oversight of the contracted private entity.  
3079 (3) Except for an individual with a valid medical cannabis card who transports a  
3080 shipment the individual receives, an individual may not transport a state central fill shipment  
3081 unless the individual is:  
3082 (a) a registered state central fill agent; or  
3083 (b) an agent of the private courier described in Subsection (2).  
3084 (4) An individual transporting a state central fill shipment shall possess a  
3085 transportation manifest that:  
3086 (a) includes a unique identifier that links the state central fill shipment to a relevant  
3087 inventory control system;  
3088 (b) includes origin and destination information for a state central fill shipment the  
3089 individual is transporting; and  
3090 (c) indicates the departure and arrival times and locations of the individual transporting  
3091 the state central fill shipment.  
3092 (5) In addition to the requirements in Subsections (3) and (4), the department may  
3093 establish by rule, in collaboration with the Division of Occupational and Professional  
3094 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
3095 Administrative Rulemaking Act, requirements for transporting state central fill shipments that  
3096 are related to safety for human consumption of cannabis or a cannabis product.  
3097 (6) (a) It is unlawful for an individual to transport a state central fill shipment with a  
3098 manifest that does not meet the requirements of Subsection (4).  
3099 (b) Except as provided in Subsection (6)(ed), an individual who violates Subsection  
3100 (6)(a):  
3101 (i) is guilty of an infraction; and  
3102 (ii) subject to a \$100 fine.

3103 (c) An individual who is subject to a penalty described in Subsection (6)(b) is not  
3104 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
3105 conduct underlying the penalty described in Subsection (6)(b).

3106 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,  
3107 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
3108 minimis administrative error:

3109 ~~(a) this chapter does not apply; and~~

3110 ~~(b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled~~  
3111 ~~Substances Act.~~

3112 ~~Section 69~~ (a) this chapter does not apply; and

3113 (b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
3114 Substances Act.

3115 Section 73. Section **26-61b-606** is enacted to read:

3116 **26-61b-606. Local health department distribution agent -- Background check --**  
3117 **Registration card -- Rebuttable presumption.**

3118 (1) An individual may not serve as a local health department distribution agent unless:

3119 (a) the individual is an employee of a local health department; and

3120 (b) the department registers the individual as a local health department distribution  
3121 agent.

3122 (2) (a) The department shall, within 15 days after the day on which the department  
3123 receives a complete application from a local health department on behalf of a prospective local  
3124 health department distribution agent, register and issue a local health department distribution  
3125 agent registration card to the prospective agent if the local health department:

3126 (i) provides to the department:

3127 (A) the prospective agent's name and address;

3128 (B) the name and location of the local health department where the prospective agent  
3129 seeks to act as a local health department distribution agent;

3130 (C) a fingerprint card in a form acceptable to the department; and

3131 (D) the prospective agent's consent to a fingerprint background check by the Utah

3132 Bureau of Criminal Identification and the Federal Bureau of Investigation, including  
3133 registration in the FBI Rap Back System, as that term is defined in Section 53-10-108;

3134 (ii) pays a fee to the department in an amount that the department sets in accordance

3135 with Section 63J-1-504; and

3136 (iii) as reported under Subsection (2)(c), has not been convicted ~~for~~of an offense that is  
3137 a felony under state or federal law.

3138 (b) The department shall request that the Department of Public Safety complete a  
3139 Federal Bureau of Investigation criminal background check for each prospective agent  
3140 described in Subsection (2)(a).

3141 (c) The department shall notify the Department of Public Safety ~~shall~~of each  
3142 individual the department registers as a local health department distribution agent.

3143 (d) The Department of Public Safety shall:

3144 (i) (A) complete a Federal Bureau of Investigation criminal background check for each  
3145 prospective agent who is the subject of a department request under Subsection (2)(b); and

3146 (~~ii~~B) report the results of the background check to the department; and

3147 (ii) register each local health department distribution agent the department reports  
3148 under Subsection (2)(c) in the FBI Rap Back System, as that term is defined in Section 53-10-  
3149 108.

3150 (3) The department shall designate on an individual's local health department  
3151 distribution agent registration card the name of the local health department where the  
3152 individual is registered as an agent.

3153 (4) (a) A local health department distribution agent shall comply with a certification  
3154 standard that the department develops, in collaboration with the Division of Occupational and  
3155 Professional Licensing and the Board of Pharmacy, or a third-party certification standard that  
3156 the department designates by rule in collaboration with the Division of Occupational and  
3157 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter  
3158 3, Utah Administrative Rulemaking Act.

3159 (b) The department shall ensure that the certification standard described in Subsection  
3160 (4)(a) includes training in:

3161 (i) Utah medical cannabis law;

3162 (ii) the state central fill medical cannabis pharmacy shipment process; and

3163 (iii) local health department distribution agent best practices.

3164 (5) The department may revoke or refuse to issue or renew the local health department  
3165 distribution agent registration card of an individual who:

3166 (a) violates the requirements of this chapter; or

3167 (b) is convicted of an offense that is a felony under state or federal law.  
3168 (6) A local health department distribution agent who the department has registered  
3169 under this section shall carry the agent's local health department distribution agent registration  
3170 card with the agent at all times when:

3171 (a) the agent is on the premises of the local health department; and  
3172 (b) the agent is handling a shipment of cannabis or cannabis product from the state  
3173 central fill medical cannabis pharmacy.

3174 (7) If a local health department distribution agent handling a shipment of cannabis or  
3175 cannabis product from the state central fill medical cannabis pharmacy possesses the shipment  
3176 in compliance with Subsection (6):

3177 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and  
3178 (b) there is no probable cause, based solely on the agent's possession of the shipment,  
3179 that the agent is engaging in illegal activity.

3180 (8) (a) A local health department distribution agent who violates Subsection (6) is:  
3181 (ai) guilty of an infraction; and  
3182 (bii) subject to a \$100 fine.

3183 (b) An individual who is subject to a penalty described in Subsection (8)(a) is not  
3184 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
3185 conduct underlying the penalty described in Subsection (8)(a).

3186 Section ~~79~~74. Section **26-61b-607** is enacted to read:

3187 **26-61b-607. Local health department distribution.**

3188 (1) Each local health department shall designate a sufficient number of personnel to  
3189 ensure that at least one individual is available at all times during business hours:

3190 (a) whom the department has registered as a local health department distribution agent;  
3191 and

3192 (b) to distribute state central fill shipments to medical cannabis cardholders in  
3193 accordance with this section.

3194 (2) An individual may not retrieve a shipment from the state central fill medical  
3195 cannabis pharmacy at a local health department unless the individual presents:

3196 (a) a form of identification that is a valid United States federal- or state-issued photo  
3197 identification, including a driver license, a United States passport, a United States passport  
3198 card, or a United States military identification card; and

3199 (b) a valid medical cannabis card under the same name that appears on the  
3200 identification described in Subsection (2)(a).

3201 (3) Before a local health department distribution agent distributes a state central fill  
3202 shipment to a medical cannabis cardholder, the local health department distribution agent shall:

3203 (a) verify the shipment information using the state electronic verification system;

3204 (b) ensure that the individual satisfies the identification requirements in Subsection (2);

3205 (c) verify that payment is complete; and

3206 (d) record the completion of the shipment transaction in the electronic verification  
3207 system.

3208 (4) The local health department shall:

3209 (a) (i) store each state central fill shipment that the local health department receives,

3210 until the ~~shipment is retrieved by the~~ recipient medical cannabis cardholder; retrieves the

3211 shipment or the local health department returns the shipment to the state central fill medical

3212 cannabis pharmacy in accordance with Subsection (5), in a single, secure, locked area that is

3213 equipped with a security system that detects and records entry into the area; and

3214 (bii) ensure that only a local health department distribution agent is able to access the

3215 area; and

3216 (b) return any unclaimed state central fill shipment to the state central fill medical

3217 cannabis pharmacy, in accordance with Subsection (5), after the local health department has

3218 possessed the state central fill shipment for 10 business days.

3219 (5) The state central fill medical cannabis pharmacy shall dispose of an unclaimed state  
3220 central fill shipment that a local health department returns under Subsection (4)(b) by:

3221 (a) rendering the state central fill shipment unusable and unrecognizable before

3222 transporting the shipment from the state central fill medical cannabis pharmacy; and

3223 (b) disposing of the state central fill shipment in accordance with:

3224 (i) federal and state laws, rules, and regulations related to hazardous waste;

3225 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3226 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3227 (iv) other regulations that the department makes in accordance with Title 63G, Chapter

3228 3, Utah Administrative Rulemaking Act.

3229 Section ~~7175~~. Section **26-61b-608** is enacted to read:

3230 **26-61b-608. Department to set prices.**

3231 (1) The department shall set a price schedule for cannabis in a medicinal dosage form  
3232 that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders  
3233 through distribution to local health departments.

3234 (2) The department shall ensure that the price schedule described in Subsection (1)  
3235 takes into consideration):

3236 ~~—(a~~ (a) takes into consideration:

3237 (i) the demand for medical cannabis and cannabis products dispensed through the state  
3238 central fill medical cannabis pharmacy and the local health departments;

3239 (bii) the labor required to cultivate and process cannabis into a medicinal dosage form;

3240 (eiii) the regulatory burden involved in the creation of the product; and

3241 (div) any other consideration the department considers necessary; and

3242 (b) contains pricing for a specific product that is within 10% of the average price for

3243 the product among the medical cannabis pharmacies licensed under Section 26-61b-301.

3244 (3) The department shall ensure that the price schedule that the department sets under

3245 Subsection (1) includes a set fee that the department retains to fund:

3246 (a) ~~to fund~~ the state central fill medical cannabis pharmacy; and

3247 (b) the courier described in Section 26-61b-605, if any.

3248 Section ~~7276~~. Section **26-61b-609** is enacted to read:

3249 **26-61b-609. Partial filling.**

3250 (1) As used in this section, "partially fill" means to provide less than the full amount of  
3251 cannabis or cannabis product that the qualified medical provider recommends, if the qualified  
3252 medical provider recommended specific dosing parameters.

3253 (2) The state central fill medical cannabis pharmacy may partially fill a  
3254 recommendation for a medical cannabis treatment at the request of the qualified medical  
3255 provider who issued the medical cannabis treatment recommendation or the medical cannabis  
3256 cardholder.

3257 (3) The department shall make rules in collaboration with the Division of Occupational  
3258 and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,  
3259 Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity  
3260 supplied, and quantity remaining of a partially filled medical cannabis treatment  
3261 recommendation.

3262 (4) A state central fill medical provider who is a pharmacist may, upon the request of a

3263 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
3264 limits in Subsection 26-61b-604(2), to fill the quantity remaining of a partially filled medical  
3265 cannabis treatment recommendation if:

3266 (a) the state central fill medical provider determined dosing parameters for the partial  
3267 fill under Subsection 26-61b-604(4); and

3268 (b) the medical cannabis cardholder reports that:

3269 (i) the partial fill did not substantially affect the qualifying condition underlying the  
3270 medical cannabis recommendation; or

3271 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
3272 unable to successfully use the partial fill.

3273 Section ~~7377~~. Section **26-61b-610** is enacted to read:

3274 **26-61b-610. Records -- Inspections.**

3275 (1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's  
3276 medical cannabis treatment recommendation files and other records in accordance with this  
3277 chapter, department rules, and the federal Health Insurance Portability and Accountability Act  
3278 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

3279 (2) The department may inspect the records and facility of the state central fill medical  
3280 cannabis pharmacy or a local health department at any time during business hours in order to  
3281 determine compliance with this chapter.

3282 (3) An inspection under this section may include:

3283 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
3284 physical or electronic information;

3285 (b) questioning of any relevant individual; or

3286 (c) inspection of equipment, an instrument, a tool, or machinery, including a container  
3287 or label.

3288 (4) In making an inspection under this section, the department may freely access any  
3289 area and review and make copies of a book, record, paper, document, data, or other physical or  
3290 electronic information, including financial data, sales data, shipping data, pricing data, and  
3291 employee data.

3292 (5) Failure to provide the department or the department's authorized agents immediate  
3293 access during business hours in accordance with this section may result in:

3294 (a) the imposition of a civil monetary penalty that the department sets in accordance

3295 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3296 (b) license or registration suspension or revocation; or

3297 (c) an immediate cessation of operations under a cease and desist order that the

3298 department issues.

3299 Section ~~7478~~. Section **26-61b-611** is enacted to read:

3300 **26-61b-611. Advertising.**

3301 (1) Except as provided in Subsection (2), the state central fill medical cannabis  
3302 pharmacy may not advertise in any medium.

3303 (2) The state central fill medical cannabis pharmacy may maintain a website that  
3304 includes information about:

3305 (a) the contact information for the state central fill medical cannabis pharmacy;

3306 (b) a product or service available through shipment from the state central fill medical  
3307 cannabis pharmacy;

3308 (c) a description of the state central fill medical cannabis pharmacy shipment process;

3309 (d) information about retrieving a state central fill shipment at a local health  
3310 department; or

3311 (e) educational material related to the medical use of cannabis.

3312 Section ~~7579~~. Section **26-61b-701** is enacted to read:

3313 **Part 7. Enforcement**

3314 **26-61b-701. Enforcement -- Misdemeanor.**

3315 (1) Except as provided in Title 4, Chapter 41b, Cannabis Production Establishments,  
3316 and Sections 26-61b-502, 26-61b-605, and 26-61b-607, it is unlawful for a medical cannabis  
3317 cardholder to sell or otherwise give ~~cannabis~~ to another medical cannabis cardholder cannabis  
3318 in a medicinal dosage form, a cannabis product, ~~or~~ in a medicinal dosage form, a medical  
3319 cannabis device ~~to another person~~, or any cannabis residue remaining in or from a medical  
3320 cannabis device.

3321 (2) (a) Except as provided in Subsection (2)(b), a ~~person~~ medical cannabis cardholder  
3322 who violates Subsection (1) is ~~guilty of a class B misdemeanor~~:

3323 ~~(i) guilty of a class B misdemeanor; and~~

3324 ~~(ii) subject to a \$1,000 fine.~~

3325 (b) An individual is not guilty under Subsection (2)(a) if the individual:

3326 (i) (A) is a designated caregiver; and



3327 (B) gives the product described in Subsection (1) to the medical cannabis cardholder  
3328 who designated the individual as a designated caregiver; or  
3329 ~~—— (3) (a) Except as provided in Subsection (3)(b), a person who violates Subsection (1) is~~  
3330 ~~guilty of a class A misdemeanor if the individual who receives the unlawful sale or gift is a~~  
3331 ~~minor.~~  
3332 ~~—— (b) An individual is not guilty under Subsection (3)(a) if:~~  
3333 ~~—— (i) the individual is:~~  
3334 ~~—— (A) the parent or legal guardian, holding~~ (ii) (A) is a medical cannabis guardian  
3335 card, of the minor recipient; or cardholder; and  
3336 ~~(B) the designated caregiver of the parent or legal guardian, holding a medical~~  
3337 ~~cannabis guardian card, of the minor recipient; and~~  
3338 ~~—— (ii) the minor is gives the product described in Subsection (1) to the relevant~~  
3339 provisional patient cardholder.

3340 (c) An individual who is subject to a penalty described in Subsection (2)(a) is not  
3341 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
3342 conduct underlying the penalty described in Subsection (2)(a).

3343 Section ~~7680~~. Section **26-61b-702** is enacted to read:

3344 **26-61b-702. Enforcement -- Fine -- Citation.**

3345 (1) (a) The department may, for a medical cannabis pharmacy's violation of this  
3346 chapter:

3347 (i) revoke the medical cannabis pharmacy license;  
3348 (ii) refuse to renew the medical cannabis pharmacy license; or  
3349 (iii) assess the medical cannabis pharmacy an administrative penalty.

3350 (b) The department may, for a medical cannabis pharmacy agent's or state central fill  
3351 agent's violation of this chapter:

3352 (i) revoke the medical cannabis pharmacy agent or state central fill agent registration  
3353 card;  
3354 (ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent  
3355 registration card; or  
3356 (iii) assess the medical cannabis pharmacy agent or state central fill agent an  
3357 administrative penalty.

3358 (2) The department shall deposit an administrative penalty imposed under this section

3359 into the General Fund.

3360 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding  
3361 of a violation in an adjudicative proceeding under this section, the department may:

3362 (a) for a fine amount not already specified in law, assess the person a fine ~~in an amount~~  
3363 ~~that the department sets, in accordance with Section 63J-1-504,~~ of up to \$5,000 per violation,  
3364 in accordance with a fine schedule that the department establishes by rule in accordance with  
3365 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

3366 (b) order the person to cease and desist from the action that creates a violation.

3367 (4) The department may not revoke a medical cannabis pharmacy's license without  
3368 first directing the medical cannabis pharmacy to appear before an adjudicative proceeding  
3369 conducted under Title 63G, Chapter 4, Administrative Procedures Act.

3370 (5) If, within 20 calendar days after the day on which the department issues a citation  
3371 for a violation of this chapter, the person that is the subject of the citation fails to request a  
3372 hearing to contest the citation, the citation becomes the department's final order.

3373 (6) The department may, for a person who fails to comply with a citation under this  
3374 section:

3375 (a) refuse to issue or renew the person's license agent registration card; or

3376 (b) suspend, revoke, or place on probation the person's license or agent registration  
3377 card.

3378 (7) ~~If the department makes a final determination under this section that~~ Except  
3379 where a criminal penalty is expressly provided for a specific violation of this chapter, if an  
3380 individual violated a provision of this chapter, the individual is:

3381 (i) guilty of an infraction; and

3382 (ii) subject to a \$100 fine.

3383 (b) An individual who is subject to a penalty described in Subsection (7)(a) is not  
3384 subject to a penalty under Title 58, Chapter 37, Utah Controlled Substances Act, for the  
3385 conduct underlying the penalty described in Subsection (7)(a).

3386 Section ~~7781~~. Section **26-61b-703** is enacted to read:

3387 **26-61b-703. Report.**

3388 (1) By the November interim meeting each year, the department shall report to the  
3389 Health and Human Services Interim Committee on:

3390 (a) the number of applications and renewal applications filed for medical cannabis

3391 cards;  
3392 (b) the number of qualifying patients and designated caregivers;  
3393 (c) the nature of the debilitating medical conditions of the qualifying patients;  
3394 (d) the age and county of residence of cardholders;  
3395 (e) the number of medical cannabis cards revoked;  
3396 (f) the number of practitioners providing recommendations for qualifying patients;  
3397 (g) the number of license applications and renewal license applications received;  
3398 (h) the number of licenses the department has issued in each county;  
3399 (i) the number of licenses the department has revoked;  
3400 (j) the quantity and timeliness of state central fill shipments, including the amount of  
3401 time between recommendation to the state central fill medical cannabis pharmacy and arrival  
3402 of a state central fill shipment at a local health department;  
3403 (k) the market share of state central fill shipments;  
3404 (l) the expenses incurred and revenues generated from the medical cannabis program;  
3405 (m) the expenses incurred and revenues generated from the state central fill medical  
3406 cannabis pharmacy, including a profit and loss statement; and  
3407 (n) an analysis of product availability, including the price differential between  
3408 comparable products, in medical cannabis pharmacies and the state central fill medical  
3409 cannabis pharmacy.  
3410 (2) The department may not include personally identifying information in the report  
3411 described in this section.

3412 Section 7882. Section 30-3-10 is amended to read:

3413 **30-3-10. Custody of children in case of separation or divorce -- Custody**  
3414 **consideration.**

3415 (1) If a married couple having one or more minor children are separated, or their  
3416 marriage is declared void or dissolved, the court shall make an order for the future care and  
3417 custody of the minor children as it considers appropriate.

3418 (a) In determining any form of custody, including a change in custody, the court shall  
3419 consider the best interests of the child without preference for either parent solely because of the  
3420 biological sex of the parent and, among other factors the court finds relevant, the following:

3421 (i) in accordance with Subsection (7), the past conduct and demonstrated moral  
3422 standards of each of the parties;

3423 (ii) which parent is most likely to act in the best interest of the child, including  
3424 allowing the child frequent and continuing contact with the noncustodial parent;

3425 (iii) the extent of bonding between the parent and child, meaning the depth, quality,  
3426 and nature of the relationship between a parent and child;

3427 (iv) whether the parent has intentionally exposed the child to pornography or material  
3428 harmful to a minor, as defined in Section 76-10-1201; and

3429 (v) those factors outlined in Section 30-3-10.2.

3430 (b) There is a rebuttable presumption that joint legal custody, as defined in Section 30-  
3431 3-10.1, is in the best interest of the child, except in cases where there is:

3432 (i) domestic violence in the home or in the presence of the child;

3433 (ii) special physical or mental needs of a parent or child, making joint legal custody  
3434 unreasonable;

3435 (iii) physical distance between the residences of the parents, making joint decision  
3436 making impractical in certain circumstances; or

3437 (iv) any other factor the court considers relevant including those listed in this section  
3438 and Section 30-3-10.2.

3439 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan  
3440 in accordance with Sections 30-3-10.8 and 30-3-10.9.

3441 (ii) A presumption for joint legal custody may be rebutted by a showing by a  
3442 preponderance of the evidence that it is not in the best interest of the child.

3443 (d) A child may not be required by either party to testify unless the trier of fact  
3444 determines that extenuating circumstances exist that would necessitate the testimony of the  
3445 child be heard and there is no other reasonable method to present the child's testimony.

3446 (e) (i) The court may inquire of a child and take into consideration the child's desires  
3447 regarding future custody or parent-time schedules, but the expressed desires are not controlling  
3448 and the court may determine the child's custody or parent-time otherwise.

3449 (ii) The desires of a child 14 years of age or older shall be given added weight, but is  
3450 not the single controlling factor.

3451 (f) (i) If an interview with a child is conducted by the court pursuant to Subsection  
3452 (1)(e), the interview shall be conducted by the judge in camera.

3453 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
3454 finds that an interview with a child is the only method to ascertain the child's desires regarding

3455 custody.

3456 (2) In awarding custody, the court shall consider, among other factors the court finds  
3457 relevant, which parent is most likely to act in the best interests of the child, including allowing  
3458 the child frequent and continuing contact with the noncustodial parent as the court finds  
3459 appropriate.

3460 (3) If the court finds that one parent does not desire custody of the child, the court shall  
3461 take that evidence into consideration in determining whether to award custody to the other  
3462 parent.

3463 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a  
3464 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining  
3465 whether a substantial change has occurred for the purpose of modifying an award of custody.

3466 (b) The court may not consider the disability of a parent as a factor in awarding  
3467 custody or modifying an award of custody based on a determination of a substantial change in  
3468 circumstances, unless the court makes specific findings that:

3469 (i) the disability significantly or substantially inhibits the parent's ability to provide for  
3470 the physical and emotional needs of the child at issue; and

3471 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
3472 available to supplement the parent's ability to provide for the physical and emotional needs of  
3473 the child at issue.

3474 (c) Nothing in this section may be construed to apply to adoption proceedings under  
3475 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

3476 (5) This section establishes neither a preference nor a presumption for or against joint  
3477 physical custody or sole physical custody, but allows the court and the family the widest  
3478 discretion to choose a parenting plan that is in the best interest of the child.

3479 (6) When an issue before the court involves custodial responsibility in the event of a  
3480 deployment of one or both parents who are servicemembers, and the servicemember has not  
3481 yet been notified of deployment, the court shall resolve the issue based on the standards in  
3482 Sections 78B-20-306 through 78B-20-309.

3483 (7) In considering the past conduct and demonstrated moral standards of each party  
3484 under Subsection (1)(a)(i) or any other factor a court finds relevant, the court may not  
3485 discriminate against a parent because of or otherwise consider the parent's:

3486 (a) lawful possession or use of cannabis in a medicinal dosage form, a cannabis

3487 product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 26,  
3488 Chapter 61b, Utah Medical Cannabis Act; or

3489 (b) the parent's status as a:

3490 (i) cannabis production establishment agent, as that term is defined in Section 4-41b-  
3491 102;

3492 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61b-102;

3493 (iii) a state central fill agent, as that term is defined in Section 26-61b-102; or

3494 (iv) a medical cannabis cardholder in accordance with Title 26, Chapter 61b, Utah  
3495 Medical Cannabis Act.

3496 Section ~~7983~~. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

3497 **41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable**  
3498 **controlled substance in the body -- Penalties -- Arrest without warrant.**

3499 (1) As used in this section:

3500 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

3501 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

3502 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

3503 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

3504 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
3505 operate or be in actual physical control of a motor vehicle within this state if the person has any  
3506 measurable controlled substance or metabolite of a controlled substance in the person's body.

3507 (3) It is an affirmative defense to prosecution under this section that the controlled  
3508 substance was:

3509 (a) involuntarily ingested by the accused;

3510 (b) prescribed by a practitioner for use by the accused; ~~[or]~~

3511 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
3512 form that the accused ingested in accordance with Title 26, Chapter 61b, Utah Medical  
3513 Cannabis Act; or

3514 ~~[(e)]~~ (d) otherwise legally ingested.

3515 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
3516 misdemeanor.

3517 (b) A person who violates this section is subject to conviction and sentencing under  
3518 both this section and any applicable offense under Section 58-37-8.

3519 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
3520 section when the officer has probable cause to believe the violation has occurred, although not  
3521 in the officer's presence, and if the officer has probable cause to believe that the violation was  
3522 committed by the person.

3523 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
3524 date of arrest:

3525 (a) suspend, for a period of 120 days, the driver license of a person convicted under  
3526 Subsection (2) of an offense committed on or after July 1, 2009; or

3527 (b) revoke, for a period of two years, the driver license of a person if:

3528 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3529 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
3530 and within a period of 10 years after the date of the prior violation.

3531 (7) The Driver License Division shall, if the person is 19 years of age or older but  
3532 under 21 years of age on the date of arrest:

3533 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
3534 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
3535 on or after July 1, 2011; or

3536 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
3537 longer, the driver license of a person if:

3538 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3539 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
3540 and within a period of 10 years after the date of the prior violation.

3541 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
3542 of arrest:

3543 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
3544 under Subsection (2) of an offense committed on or after July 1, 2009; or

3545 (b) revoke, until the person is 21 years of age, the driver license of a person if:

3546 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3547 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
3548 and within a period of 10 years after the date of the prior violation.

3549 (9) The Driver License Division shall subtract from any suspension or revocation  
3550 period the number of days for which a license was previously suspended under Section 53-3-

3551 223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the  
3552 record of conviction is based.

3553 (10) The Driver License Division shall:

3554 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
3555 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
3556 committed prior to July 1, 2009; or

3557 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
3558 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

3559 (i) the person was 20 years of age or older but under 21 years of age at the time of  
3560 arrest; and

3561 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
3562 July 1, 2009, and prior to July 1, 2011.

3563 (11) A court that reported a conviction of a violation of this section for a violation that  
3564 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
3565 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
3566 if the person:

3567 (a) completes at least six months of the license suspension;

3568 (b) completes a screening;

3569 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
3570 (11)(b);

3571 (d) completes substance abuse treatment if it is found appropriate by the assessment  
3572 under Subsection (11)(c);

3573 (e) completes an educational series if substance abuse treatment is not required by the  
3574 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

3575 (f) has not been convicted of a violation of any motor vehicle law in which the person  
3576 was involved as the operator of the vehicle during the suspension period imposed under  
3577 Subsection (7)(a) or (8)(a);

3578 (g) has complied with all the terms of the person's probation or all orders of the court if  
3579 not ordered to probation; and

3580 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
3581 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
3582 person or unlawfully consumed alcohol during the suspension period imposed under



3583 Subsection (7)(a) or (8)(a); or

3584 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
3585 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
3586 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
3587 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
3588 under Subsection (7)(a) or (8)(a).

3589 (12) If the court shortens a person's license suspension period in accordance with the  
3590 requirements of Subsection (11), the court shall forward the order shortening the person's  
3591 license suspension period prior to the completion of the suspension period imposed under  
3592 Subsection (7)(a) or (8)(a) to the Driver License Division.

3593 (13) (a) The court shall notify the Driver License Division if a person fails to:

3594 (i) complete all court ordered screening and assessment, educational series, and  
3595 substance abuse treatment; or

3596 (ii) pay all fines and fees, including fees for restitution and treatment costs.

3597 (b) Upon receiving the notification, the division shall suspend the person's driving  
3598 privilege in accordance with Subsections 53-3-221(2) and (3).

3599 (14) The court:

3600 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
3601 convicted under Subsection (2); and

3602 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
3603 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

3604 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
3605 License Division may shorten the suspension period imposed under Subsection (6) before  
3606 completion of the suspension period if the person is participating in or has successfully  
3607 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

3608 (b) If the court shortens a person's license suspension period in accordance with the  
3609 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
3610 order shortening the person's suspension period.

3611 (c) The court shall notify the Driver License Division if a person fails to complete all  
3612 requirements of a 24-7 sobriety program.

3613 (d) Upon receiving the notification described in Subsection (15)(c), the division shall  
3614 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

3615 Section ~~8084~~. Section **41-6a-517 (Effective 07/01/19)** is amended to read:  
3616 **41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable**  
3617 **controlled substance in the body -- Penalties -- Arrest without warrant.**

3618 (1) As used in this section:

3619 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

3620 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

3621 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

3622 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

3623 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
3624 operate or be in actual physical control of a motor vehicle within this state if the person has any  
3625 measurable controlled substance or metabolite of a controlled substance in the person's body.

3626 (3) It is an affirmative defense to prosecution under this section that the controlled  
3627 substance was:

3628 (a) involuntarily ingested by the accused;

3629 (b) prescribed by a practitioner for use by the accused or recommended by a physician  
3630 for use by the accused; ~~or~~

3631 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
3632 form that the accused ingested in accordance with Title 26, Chapter 61b, Utah Medical  
3633 Cannabis Act; or

3634 ~~(d)~~ (d) otherwise legally ingested.

3635 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
3636 misdemeanor.

3637 (b) A person who violates this section is subject to conviction and sentencing under  
3638 both this section and any applicable offense under Section 58-37-8.

3639 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
3640 section when the officer has probable cause to believe the violation has occurred, although not  
3641 in the officer's presence, and if the officer has probable cause to believe that the violation was  
3642 committed by the person.

3643 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
3644 date of arrest:

3645 (a) suspend, for a period of 120 days, the driver license of a person convicted under  
3646 Subsection (2) of an offense committed on or after July 1, 2009; or

3647 (b) revoke, for a period of two years, the driver license of a person if:  
3648 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and  
3649 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
3650 and within a period of 10 years after the date of the prior violation.

3651 (7) The Driver License Division shall, if the person is 19 years of age or older but  
3652 under 21 years of age on the date of arrest:

3653 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
3654 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
3655 on or after July 1, 2011; or

3656 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
3657 longer, the driver license of a person if:

3658 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3659 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
3660 and within a period of 10 years after the date of the prior violation.

3661 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
3662 of arrest:

3663 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
3664 under Subsection (2) of an offense committed on or after July 1, 2009; or

3665 (b) revoke, until the person is 21 years of age, the driver license of a person if:

3666 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3667 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
3668 and within a period of 10 years after the date of the prior violation.

3669 (9) The Driver License Division shall subtract from any suspension or revocation  
3670 period the number of days for which a license was previously suspended under Section 53-3-  
3671 223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the  
3672 record of conviction is based.

3673 (10) The Driver License Division shall:

3674 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
3675 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
3676 committed prior to July 1, 2009; or

3677 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
3678 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

3679 (i) the person was 20 years of age or older but under 21 years of age at the time of  
3680 arrest; and

3681 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
3682 July 1, 2009, and prior to July 1, 2011.

3683 (11) A court that reported a conviction of a violation of this section for a violation that  
3684 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
3685 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
3686 if the person:

3687 (a) completes at least six months of the license suspension;

3688 (b) completes a screening;

3689 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
3690 (11)(b);

3691 (d) completes substance abuse treatment if it is found appropriate by the assessment  
3692 under Subsection (11)(c);

3693 (e) completes an educational series if substance abuse treatment is not required by the  
3694 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

3695 (f) has not been convicted of a violation of any motor vehicle law in which the person  
3696 was involved as the operator of the vehicle during the suspension period imposed under  
3697 Subsection (7)(a) or (8)(a);

3698 (g) has complied with all the terms of the person's probation or all orders of the court if  
3699 not ordered to probation; and

3700 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
3701 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
3702 person or unlawfully consumed alcohol during the suspension period imposed under  
3703 Subsection (7)(a) or (8)(a); or

3704 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
3705 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
3706 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
3707 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
3708 under Subsection (7)(a) or (8)(a).

3709 (12) If the court shortens a person's license suspension period in accordance with the  
3710 requirements of Subsection (11), the court shall forward the order shortening the person's

3711 license suspension period prior to the completion of the suspension period imposed under  
3712 Subsection (7)(a) or (8)(a) to the Driver License Division.

3713 (13) (a) The court shall notify the Driver License Division if a person fails to:

3714 (i) complete all court ordered screening and assessment, educational series, and  
3715 substance abuse treatment; or

3716 (ii) pay all fines and fees, including fees for restitution and treatment costs.

3717 (b) Upon receiving the notification, the division shall suspend the person's driving  
3718 privilege in accordance with Subsections 53-3-221(2) and (3).

3719 (14) The court:

3720 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
3721 convicted under Subsection (2); and

3722 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
3723 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

3724 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
3725 License Division may shorten the suspension period imposed under Subsection (6) before  
3726 completion of the suspension period if the person is participating in or has successfully  
3727 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

3728 (b) If the court shortens a person's license suspension period in accordance with the  
3729 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
3730 order shortening the person's suspension period.

3731 (c) The court shall notify the Driver License Division if a person fails to complete all  
3732 requirements of a 24-7 sobriety program.

3733 (d) Upon receiving the notification described in Subsection (15)(c), the division shall  
3734 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

3735 Section ~~8185~~. Section **49-11-1401** is amended to read:

3736 **49-11-1401. Forfeiture of retirement benefits for employees for employment**  
3737 **related offense convictions -- Notifications -- Investigations -- Appeals.**

3738 (1) As used in this section:

3739 (a) "Convicted" means a conviction by plea or by verdict, including a plea of guilty or  
3740 a plea of no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
3741 regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance  
3742 with the plea in abeyance agreement.

3743 (b) "Employee" means a member of a system or plan administered by the board.

3744 (c) (i) "Employment related offense" means a felony committed during employment or  
3745 the term of an elected or appointed office with a participating employer that is:

3746 ~~[(i)]~~ (A) during the performance of the employee's duties;

3747 ~~[(ii)]~~ (B) within the scope of the employee's employment; or

3748 ~~[(iii)]~~ (C) under color of the employee's authority.

3749 (ii) "Employment related offense" does not include any federal offense for conduct that  
3750 is lawful under Title 26, Chapter 61b, Utah Medical Cannabis Act.

3751 (2) (a) Notwithstanding any other provision of this title, an employee shall forfeit  
3752 accrual of service credit, employer retirement related contributions, including employer  
3753 contributions to the employer sponsored defined contribution plans, or other retirement related  
3754 benefits from a system or plan under this title in accordance with this section.

3755 (b) The forfeiture of retirement related benefits under Subsection (2)(a) does not  
3756 include the employee's contribution to a defined contribution plan.

3757 (3) An employee shall forfeit the benefits described under Subsection (2)(a):

3758 (a) if the employee is convicted of an employment related offense;

3759 (b) beginning on the day on which the employment related offense occurred; and

3760 (c) until the employee is either:

3761 (i) re-elected or reappointed to office; or

3762 (ii) (A) terminated from the position for which the employee was found to have  
3763 committed an employment related offense; and

3764 (B) rehired or hired as an employee who is eligible to be a member of a Utah state  
3765 retirement system or plan.

3766 (4) The employee's participating employer shall:

3767 (a) immediately notify the office:

3768 (i) if an employee is charged with an offense that is or may be an employment related  
3769 offense under this section; and

3770 (ii) if the employee described in Subsection (4)(a)(i) is acquitted of the offense that is  
3771 or may be an employment related offense under this section; and

3772 (b) if the employee is convicted of an offense that may be an employment related  
3773 offense:

3774 (i) conduct an investigation, which may rely on the conviction, to determine:

3775 (A) whether the conviction is for an employment related offense; and  
3776 (B) the date on which the employment related offense was initially committed; and  
3777 (ii) after the period of time for an appeal by an employee under Subsection (5),  
3778 immediately notify the office of the employer's determination under this Subsection (4)(b).

3779 (5) An employee may appeal the employee's participating employer's determination  
3780 under Subsection (4)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures  
3781 Act.

3782 (6) (a) Notwithstanding Subsection (4), a district attorney, a county attorney, the  
3783 attorney general's office, or the state auditor may notify the office and the employee's  
3784 participating employer if an employee is charged with an offense that is or may be an  
3785 employment related offense under this section.

3786 (b) If the employee's participating employer receives a notification under Subsection  
3787 (6)(a), the participating employer shall immediately report to the entity that provided the  
3788 notification under Subsection (6)(a):

3789 (i) if the employee is acquitted of the offense;

3790 (ii) if the employee is convicted of an offense that may be an employment related  
3791 offense; and

3792 (iii) when the participating employer has concluded its duties under this section if the  
3793 employee is convicted, including conducting an investigation, making a determination under  
3794 Subsection (4)(b) that the conviction was for an employment related offense, and notifying the  
3795 office under Subsection (7).

3796 (c) The notifying entity under Subsection (6)(a) may assist the employee's participating  
3797 employer with the investigation and determination described under Subsection (4)(b).

3798 (7) Upon receiving a notification from a participating employer that the participating  
3799 employer has made a determination under Subsection (4)(b) that the conviction was for an  
3800 employment related offense, the office shall immediately forfeit any service credit, employer  
3801 retirement related contributions, including employer contributions to the employer sponsored  
3802 contribution plans, or other retirement related benefits accrued by or made for the benefit of the  
3803 employee, beginning on the date of the initial employment related offense determined under  
3804 Subsection (4)(b).

3805 (8) This section applies to an employee who is convicted on or after the effective date  
3806 of this act for an employment related offense.

3807 (9) The board may make rules to implement this section.

3808 (10) If any provision of this section, or the application of any provision to any person  
3809 or circumstance, is held invalid, the remainder of this section shall be given effect without the  
3810 invalid provision or application.

3811 Section 86. Section **53-1-106.5** is enacted to read:

3812 **53-1-106.5. Utah Medical Cannabis Act -- Department duties.**

3813 In addition to the duties described in Section 53-1-106, the department shall:

3814 (1) provide standards for training peace officers and law enforcement agencies in the  
3815 use of the state electronic verification system; and

3816 (2) collaborate with the Department of Health and the Department of Agriculture and  
3817 Food to provide standards for training peace officers and law enforcement agencies in medical  
3818 cannabis law.

3819 Section ~~8287~~. Section **58-17b-302** is amended to read:

3820 **58-17b-302. License required -- License classifications for pharmacy facilities.**

3821 (1) A license is required to act as a pharmacy, except:

3822 (a) as specifically exempted from licensure under Section 58-1-307[-]; and

3823 (b) for the operation of a medical cannabis pharmacy or the state central fill medical  
3824 cannabis pharmacy under Title 26, Chapter 61b, Utah Medical Cannabis Act.

3825 (2) The division shall issue a pharmacy license to a facility that qualifies under this  
3826 chapter in the classification of a:

3827 (a) class A pharmacy;

3828 (b) class B pharmacy;

3829 (c) class C pharmacy;

3830 (d) class D pharmacy;

3831 (e) class E pharmacy; or

3832 (f) dispensing medical practitioner clinic pharmacy.

3833 (3) (a) Each place of business shall require a separate license.

3834 (b) If multiple pharmacies exist at the same address, a separate license shall be  
3835 required for each pharmacy.

3836 (4) (a) The division may further define or supplement the classifications of pharmacies.

3837 (b) The division may impose restrictions upon classifications to protect the public  
3838 health, safety, and welfare.



3839 (5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall  
3840 have a pharmacist-in-charge, except as otherwise provided by rule.

3841 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,  
3842 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities  
3843 of the pharmacy, regardless of the form of the business organization.

3844 Section ~~8388~~. Section **58-17b-310** is amended to read:

3845 **58-17b-310. Continuing education.**

3846 (1) The division in collaboration with the board may establish by rule continuing  
3847 education requirements for each classification of licensure under this chapter.

3848 (2) The division shall accept and apply toward the hour requirement in Subsection (1)  
3849 continuing education that a pharmacist completes in accordance with Sections 26-61b-4043  
3850 and 26-61b-601.

3851 Section ~~8489~~. Section **58-17b-502** is amended to read:

3852 **58-17b-502. Unprofessional conduct.**

3853 (1) "Unprofessional conduct" includes:

3854 ~~[(4)]~~ (a) willfully deceiving or attempting to deceive the division, the board, or their  
3855 agents as to any relevant matter regarding compliance under this chapter;

3856 ~~[(2)(a)]~~ (b) except as provided in Subsection ~~[(2)(b)]~~ (2):

3857 (i) paying or offering rebates to practitioners or any other health care providers, or  
3858 receiving or soliciting rebates from practitioners or any other health care provider; or

3859 (ii) paying, offering, receiving, or soliciting compensation in the form of a  
3860 commission, bonus, rebate, kickback, or split fee arrangement with practitioners or any other  
3861 health care provider, for the purpose of obtaining referrals~~[-];~~

3862 ~~[(b) Subsection (2)(a) does not apply to:]~~

3863 ~~[(i) giving or receiving price discounts based on purchase volume;]~~

3864 ~~[(ii) passing along pharmaceutical manufacturer's rebates; or]~~

3865 ~~[(iii) providing compensation for services to a veterinarian.]~~

3866 ~~[(3)]~~ (c) misbranding or adulteration of any drug or device or the sale, distribution, or  
3867 dispensing of any outdated, misbranded, or adulterated drug or device;

3868 ~~[(4)]~~ (d) engaging in the sale or purchase of drugs or devices that are samples or  
3869 packages bearing the inscription "sample" or "not for resale" or similar words or phrases;

3870 ~~[(5)]~~ (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription

3871 Drug Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it  
3872 has left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section  
3873 58-17b-503, or the manufacturer's sealed container, as defined in rule;

3874 ~~[(6)]~~ (f) an act in violation of this chapter committed by a person for any form of  
3875 compensation if the act is incidental to the person's professional activities, including the  
3876 activities of a pharmacist, pharmacy intern, or pharmacy technician;

3877 ~~[(7)]~~ (g) except as provided in Title 26, Chapter 61b, Utah Medical Cannabis Act,  
3878 violating:

3879 ~~[(a)]~~ (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

3880 ~~[(b)]~~ (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

3881 ~~[(e)]~~ (iii) rules or regulations adopted under either act;

3882 ~~[(8)]~~ (h) requiring or permitting pharmacy interns or technicians to engage in  
3883 activities outside the scope of practice for their respective license classifications, as defined in  
3884 this chapter and division rules made in collaboration with the board, or beyond their scope of  
3885 training and ability;

3886 ~~[(9)]~~ (i) administering:

3887 ~~[(a)]~~ (i) without appropriate training, as defined by rule;

3888 ~~[(b)]~~ (ii) without a physician's order, when one is required by law; and

3889 ~~[(e)]~~ (iii) in conflict with a practitioner's written guidelines or written protocol for  
3890 administering;

3891 ~~[(10)]~~ (j) disclosing confidential patient information in violation of the provisions of  
3892 the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110  
3893 Stat. 1936, as amended, or other applicable law;

3894 ~~[(11)]~~ (k) engaging in the practice of pharmacy without a licensed pharmacist  
3895 designated as the pharmacist-in-charge;

3896 ~~[(12)]~~ (l) failing to report to the division any adverse action taken by another licensing  
3897 jurisdiction, government agency, law enforcement agency, or court for conduct that in  
3898 substance would be considered unprofessional conduct under this section;

3899 ~~[(13)]~~ (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a  
3900 dosage form which is regularly and commonly available from a manufacturer in quantities and  
3901 strengths prescribed by a practitioner; and

3902 ~~[(14)]~~ (n) failing to act in accordance with Title 26, Chapter 64, Family Planning

3903 Access Act, when dispensing a self-administered hormonal contraceptive under a standing  
3904 order.

3905 (2) Subsection (1)(b) does not apply to:

3906 (a) giving or receiving a price discount based on purchase volume;

3907 (b) passing along a pharmaceutical manufacturer's rebate; or

3908 (c) providing compensation for services to a veterinarian.

3909 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter  
3910 61b, Utah Medical Cannabis Act:

3911 (a) when registered as a pharmacy medical provider, as that term is defined in Section  
3912 8526-61b-102, providing pharmacy medical provider services in a medical cannabis pharmacy;  
3913 or

3914 (b) when registered as a state central fill medical provider, as that term is defined in  
3915 Section 26-61b-102, providing state central fill medical provider services in the state central  
3916 fill medical cannabis pharmacy.

3917 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in  
3918 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
3919 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

3920 Section 90. Section **58-37-3.6 (Superseded 07/01/19)** is amended to read:

3921 **58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a**  
3922 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

3923 (1) As used in this section:

3924 [~~(a) "Cannabinoid product" means a product intended for human ingestion that:]~~

3925 [~~(i) contains an extract or concentrate that is obtained from cannabis;]~~

3926 [~~(ii) is prepared in a medicinal dosage form; and]~~

3927 [~~(iii) contains at least 10 units of cannabidiol for every one unit of~~  
3928 ~~tetrahydrocannabinol.]~~

3929 [~~(b)~~] (a) "Cannabis" means any part of the plant cannabis sativa, whether growing or  
3930 not.

3931 [~~(c)~~] (b) "Drug paraphernalia" means the same as that term is defined in Section 58-  
3932 37a-3.

3933 [~~(d)~~] (c) "Expanded cannabinoid product" means a product intended for human  
3934 ingestion that:

3935 (i) contains an extract or concentrate that is obtained from cannabis;  
3936 (ii) is prepared in a medicinal dosage form; and  
3937 (iii) contains less than 10 units of cannabidiol for every one unit of  
3938 tetrahydrocannabinol.

3939 ~~[(e)]~~ (d) "Medicinal dosage form" means:

- 3940 (i) a tablet;
- 3941 (ii) a capsule;
- 3942 (iii) a concentrated oil;
- 3943 (iv) a liquid suspension;
- 3944 (v) a transdermal preparation; or
- 3945 (vi) a sublingual preparation.

3946 ~~[(f)]~~ (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets  
3947 the description in Subsection 58-37-4(2)(a)(iii)(AA).

3948 (2) Notwithstanding any other provision of this chapter, an individual who possesses or  
3949 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the  
3950 penalties described in this title for the possession or distribution of marijuana or  
3951 tetrahydrocannabinol to the extent that the individual's possession or distribution of the  
3952 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,  
3953 Cannabinoid Research Act.

3954 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~  
3955 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~  
3956 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~  
3957 ~~grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any~~  
3958 ~~rules made pursuant to Section 4-41-204.]~~

3959 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~  
3960 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~  
3961 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the~~  
3962 ~~individual's possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right~~  
3963 ~~to Try Act.]~~

3964 Section ~~8691~~. Section **58-37-3.6 (Effective 07/01/19)** is amended to read:

3965 **58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a**  
3966 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

3967 (1) As used in this section:

3968 [~~(a)~~] "~~Cannabidiol product~~" means the same as that term is defined in Section 4-41-  
3969 102.]

3970 [~~(b)~~] (a) "Cannabinoid product" means a product intended for human ingestion that:

3971 (i) contains an extract or concentrate that is obtained from cannabis;

3972 (ii) is prepared in a medicinal dosage form; and

3973 (iii) contains at least 10 units of cannabidiol for every one unit of

3974 tetrahydrocannabinol.

3975 [~~(c)~~] (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or  
3976 not.

3977 [~~(d)~~] (c) "Drug paraphernalia" means the same as that term is defined in Section 58-  
3978 37a-3.

3979 [~~(e)~~] (d) "Expanded cannabinoid product" means a product intended for human  
3980 ingestion that:

3981 (i) contains an extract or concentrate that is obtained from cannabis;

3982 (ii) is prepared in a medicinal dosage form; and

3983 (iii) contains less than 10 units of cannabidiol for every one unit of

3984 tetrahydrocannabinol.

3985 [~~(f)~~] (e) "Medicinal dosage form" means:

3986 (i) a tablet;

3987 (ii) a capsule;

3988 (iii) a concentrated oil;

3989 (iv) a liquid suspension;

3990 (v) a transdermal preparation; or

3991 (vi) a sublingual preparation.

3992 [~~(g)~~] (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets  
3993 the description in Subsection 58-37-4(2)(a)(iii)(AA).

3994 (2) Notwithstanding any other provision of this chapter:

3995 ——— [~~(a)~~] an individual who possesses or distributes a cannabinoid product or an expanded  
3996 cannabinoid product is not subject to the penalties described in this title for the possession or  
3997 distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession  
3998 or distribution of the cannabinoid product or expanded cannabinoid product complies with

3999 Title 26, Chapter 61, Cannabinoid Research Act; ~~and~~ [;].

4000           ~~[(b) an individual who grows, processes, possesses, transports, or distributes~~  
4001 ~~cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into~~  
4002 ~~cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent~~  
4003 ~~that the individual's growth, processing, possession, transportation, or distribution of the~~  
4004 ~~cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol~~  
4005 ~~Producers; and]~~

4006           ~~[(c)] ~~(b)~~ a person who processes, possesses, or sells cannabidiol is not subject to the~~  
4007 ~~penalties described in this title if:]~~

4008           ~~[(i) the person is a cannabidiol-qualified pharmacy; or]~~

4009           ~~[(ii) the person is an individual whose physician has recommended use of the~~  
4010 ~~cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified~~  
4011 ~~pharmacy.].]~~

4012           ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~  
4013 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~  
4014 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~  
4015 ~~grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any~~  
4016 ~~rules made pursuant to Section 4-41-204.]~~

4017           ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~  
4018 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~  
4019 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the~~  
4020 ~~individual's possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right~~  
4021 ~~to Try Act.]~~

4022           Section ~~8792~~. Section **58-37-3.7** is enacted to read:

4023           **58-37-3.7. Exemption for possession or use of cannabis to treat a qualifying**  
4024 **condition.**

4025           (1) As used in this section:

4026           (a) "Cannabis" means marijuana.

4027           (b) "Cannabis product" means a product that:

4028           (i) is intended for human ~~ingestion~~use; and

4029           (ii) contains cannabis or tetrahydrocannabinol.

4030           (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

4031 (d) "Marijuana" means the same as that term is defined in Section 58-37-2.

4032 ~~(e)~~ (e) "Medical cannabis cardholder" means the same as that term is defined in  
4033 Section 26-61b-102.

4034 (f) (i) "Medical cannabis device" means a device that an individual uses to ingest  
4035 cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

4036 (ii) "Medical cannabis device" does not include a device that:

4037 (A) facilitates cannabis combustion; or

4038 (B) an individual uses to ingest substances other than cannabis.

4039 (fg) "Medicinal dosage form" means the same as that term is defined in Section 26-  
4040 61b-102.

4041 (gh) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic  
4042 equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

4043 (2) Notwithstanding any other provision of law, except as otherwise provided in this  
4044 section:

4045 (a) an individual is not subject to a penalty described in this title for the following  
4046 conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41b,  
4047 Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act:

4048 (i) possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or  
4049 offering to sell cannabis or a cannabis product; or

4050 (ii) possessing cannabis or a cannabis product with the intent to engage in any of the  
4051 conduct described in Subsection (2)(a)(i); and

4052 (b) an individual is not subject to a penalty described in this title regarding drug  
4053 paraphernalia if the individual, in accordance with Title 4, Chapter 41b, Cannabis Production  
4054 Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act:

4055 (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis  
4056 device; or

4057 (ii) possesses a medical cannabis device with the intent to engage in any of the conduct  
4058 described in Subsection (2)(b)(i).

4059 ~~(3)~~ (3) (a) As used in this Subsection (3), "smoking" does not include the  
4060 vaporization or heating of cannabis.

4061 (b) Title 26, Chapter 61b, Utah Medical Cannabis Act, does not authorize a medical  
4062 cannabis cardholder to smoke or combust cannabis or to use a device to facilitate the smoking

4063 or combustion of cannabis.

4064 (c) A medical cannabis cardholder who smokes cannabis or engages in any other  
4065 conduct described in Subsection (3)(b):

4066 (i) does not possess the cannabis in accordance with Title 26, Chapter 61b, Utah  
4067 Medical Cannabis Act; and

4068 (ii) is subject to charges under this chapter for the use or possession of marijuana,  
4069 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection  
4070 (3)(b).

4071 (4) An individual who is assessed a penalty or convicted of a crime under Title 4,  
4072 Chapter 41b, Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical  
4073 Cannabis Act, is not, based on the conduct underlying that penalty or conviction, subject to a  
4074 penalty described in this chapter for:

4075 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis  
4076 product; or

4077 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

4078 Section 8893. Section 58-37-3.8 is enacted to read:

4079 **58-37-3.8. Affirmative defense.**

4080 (1) As used in this section:

4081 (a) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

4082 (b) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

4083 (c) "Medical cannabis card" means the same as that term is defined in Section 26-61b-  
4084 102.

4085 (d) "Medical cannabis device" means the same as that term is defined in Section 58-  
4086 37-3.7.

4087 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-  
4088 61b-102.

4089 (f) "Medicinal dosage form" means the same as that term is defined in Section 26-61b-  
4090 102.

4091 (g) "Qualified medical provider" means the same as that term is defined in Section 26-  
4092 61b-102.

4093 (h) "Qualifying condition" means the same as that term is defined in Section 26-61b-  
4094 102.



4095 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section 58-37-  
4096 3.7.

4097 (2) Before January 1, 2021, it is an affirmative defense to criminal charges against an  
4098 individual under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or  
4099 marijuana drug paraphernalia if:

4100 (a) at the time of the arrest, the individual:

4101 (i) (A) had been diagnosed with a qualifying condition; and

4102 (B) had a pre-existing relationship with a ~~qualified medical provider~~physician licensed  
4103 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah

4104 Osteopathic Medical Practice Act, who believed that the individual's illness described in

4105 Subsection (2)(a)(i)(A) ~~can~~could benefit from the use in question; or

4106 (ii) (A) for possession, was a medical cannabis cardholder; or

4107 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying  
4108 condition under the supervision of a medical cannabis guardian cardholder; and

4109 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity  
4110 described in Subsection 26-61b-502(2).

4111 (3) It is an affirmative defense to a criminal charge against an individual for the use or  
4112 possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this  
4113 chapter if:

4114 (a) the individual:

4115 (i) is not a resident of Utah or has been a resident of Utah for less than 45 days;

4116 (ii) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
4117 card under the laws of another state, district, territory, commonwealth, or insular possession of  
4118 the United States; and

4119 (iii) had been diagnosed with a qualifying condition as described in Section 26-61b-  
4120 105; and

4121 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity  
4122 described in Subsection 26-61b-502(2).

4123 ~~—— (4) A court shall, for a charge that the court dismisses under Subsection (2) or (3),~~  
4124 ~~dismiss the charge without prejudice.~~

4125 Section ~~8994~~. Section **58-37-3.9** is enacted to read:

4126 **58-37-3.9. Enforcement.**

4127 (1) A law enforcement officer, as that ~~an agency that receives state or local~~  
4128 ~~government funds employ~~ term is defined in Section 53-13-103, may not expend any state or  
4129 local resources, including the officer's time, to:

4130 (a) effect any arrest or seizure of cannabis, as that term is defined in Section 58-37-3.7,  
4131 or conduct any investigation on the sole basis of activity the officer believes to constitute a  
4132 violation of federal law if the officer has reason to believe that the activity is in compliance  
4133 with the state medical cannabis laws; ~~or~~

4134 ~~(b)~~ (b) enforce a law that restricts an individual's right to acquire, own, or possess a  
4135 firearm based solely on the individual's possession or use of cannabis in accordance with state  
4136 medical cannabis laws; or

4137 (c) provide any information or logistical support related to an activity described in  
4138 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

4139 (2) An agency or political subdivision of the state may not take an adverse action  
4140 against a person for providing a professional service, in accordance with the state medical  
4141 cannabis laws, to a medical cannabis pharmacy, as that term is defined in Section 26-61b-102,  
4142 the state central fill medical cannabis pharmacy, as that term is defined in Section 26-61b-102,  
4143 or a cannabis production establishment, as that term is defined in Section 4-41b-102, on the  
4144 sole basis that the service is a violation of federal law.

4145 Section ~~9095~~. Section **58-67-304** is amended to read:

4146 **58-67-304. License renewal requirements.**

4147 (1) As a condition precedent for license renewal, each licensee shall, during each two-  
4148 year licensure cycle or other cycle defined by division rule:

4149 (a) complete qualified continuing professional education requirements in accordance  
4150 with the number of hours and standards defined by division rule made in collaboration with the  
4151 board;

4152 (b) appoint a contact person for access to medical records and an alternate contact  
4153 person for access to medical records in accordance with Subsection 58-67-302(1)(j);

4154 (c) if the licensee practices medicine in a location with no other persons licensed under  
4155 this chapter, provide some method of notice to the licensee's patients of the identity and  
4156 location of the contact person and alternate contact person for the licensee; and

4157 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,  
4158 successfully complete the educational methods and programs described in Subsection 58-67-

4159 807(4).

4160 (2) If a renewal period is extended or shortened under Section 58-67-303, the  
4161 continuing education hours required for license renewal under this section are increased or  
4162 decreased proportionally.

4163 (3) An application to renew a license under this chapter shall:

4164 (a) require a physician to answer the following question: "Do you perform elective  
4165 abortions in Utah in a location other than a hospital?"; and

4166 (b) immediately following the question, contain the following statement: "For purposes  
4167 of the immediately preceding question, elective abortion means an abortion other than one of  
4168 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is  
4169 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of  
4170 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
4171 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
4172 the woman is pregnant as a result of rape or incest."

4173 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
4174 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,  
4175 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the  
4176 division shall, within 30 days after the day on which it renews the physician's license under this  
4177 chapter, inform the Department of Health in writing:

4178 (a) of the name and business address of the physician; and

4179 (b) that the physician responded positively to the question described in Subsection  
4180 (3)(a).

4181 (5) The division shall accept and apply toward the hour requirement in Subsection  
4182 (1)(a) and continuing education that a physician completes in accordance with Sections 26-  
4183 61b-107 and 26-61b-601.

4184 Section ~~9196~~. Section **58-67-502** is amended to read:

4185 **58-67-502. Unprofessional conduct.**

4186 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-  
4187 501:

4188 (a) using or employing the services of any individual to assist a licensee in any manner  
4189 not in accordance with the generally recognized practices, standards, or ethics of the  
4190 profession, state law, or division rule;

4191 (b) making a material misrepresentation regarding the qualifications for licensure  
4192 under Section 58-67-302.7 or Section 58-67-302.8; or

4193 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
4194 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable.

4195 (2) "Unprofessional conduct" does not include[-];

4196 (a) in compliance with Section 58-85-103:

4197 [~~(a)~~] (i) obtaining an investigational drug or investigational device;

4198 [~~(b)~~] (ii) administering the investigational drug to an eligible patient; or

4199 [~~(c)~~] (iii) treating an eligible patient with the investigational drug or investigational  
4200 device[-]; or

4201 (b) in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act:

4202 (i) when registered as a qualified medical provider, as that term is defined in Section  
4203 26-61b-102, recommending the use of medical cannabis;

4204 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
4205 26-61b-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

4206 (iii) when registered as a state central fill medical provider, as that term is defined in  
4207 Section 26-61b-102, providing state central fill medical provider services in the state central  
4208 fill medical cannabis pharmacy.

4209 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
4210 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
4211 unprofessional conduct for a pharmacist described in Subsections (2)(a) and (b).

4212 Section 97. Section **58-68-502** is amended to read:

4213 **58-68-502. Unprofessional conduct.**

4214 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-  
4215 501:

4216 (a) using or employing the services of any individual to assist a licensee in any manner  
4217 not in accordance with the generally recognized practices, standards, or ethics of the  
4218 profession, state law, or division rule;

4219 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
4220 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; or

4221 (c) making a material misrepresentation regarding the qualifications for licensure  
4222 under Section 58-68-302.5.

4223 (2) "Unprofessional conduct" does not include~~[7]~~;  
4224 (a) in compliance with Section 58-85-103:  
4225 ~~[(a)]~~ (i) obtaining an investigational drug or investigational device;  
4226 ~~[(b)]~~ (ii) administering the investigational drug to an eligible patient; or  
4227 ~~[(c)]~~ (iii) treating an eligible patient with the investigational drug or investigational  
4228 device~~[-]~~; or  
4229 (b) in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act:  
4230 (i) when registered as a qualified medical provider, as that term is defined in Section  
4231 26-61b-102, recommending the use of medical cannabis;  
4232 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
4233 26-61b-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or  
4234 (iii) when registered as a state central fill medical provider, as that term is defined in  
4235 Section 26-61b-102, providing state central fill medical provider services in the state central  
4236 fill medical cannabis pharmacy.  
4237 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
4238 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
4239 unprofessional conduct for a pharmacist described in Subsections (2)(a) and (b).  
4240 Section 98. Section **58-85-102** is amended to read:  
4241 **58-85-102. Definitions.**  
4242 As used in this chapter:  
4243 ~~[(1) "Cannabis" means cannabis that has been grown by a state approved grower and~~  
4244 ~~processed into a medicinal dosage form.]~~  
4245 ~~[(2) "Cannabis based treatment" means a course of treatment involving cannabis.]~~  
4246 ~~[(3)]~~ (1) "Eligible patient" means an individual who has been diagnosed with a  
4247 terminal illness by a physician.  
4248 ~~[(4) "Health care facility" means the same as that term is defined in Section 26-55-~~  
4249 ~~102.]~~  
4250 ~~[(5)]~~ (2) "Insurer" means the same as that term is defined in Section 31A-1-301.  
4251 ~~[(6)]~~ (3) "Investigational device" means a device that:  
4252 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and  
4253 (b) has successfully completed the United States Food and Drug Administration Phase  
4254 1 testing for an investigational device described in 21 C.F.R. Part 812.

4255 ~~[(7)]~~ (4) "Investigational drug" means a drug that:  
4256 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and  
4257 (b) has successfully completed the United States Food and Drug Administration Phase  
4258 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

4259 ~~[(8) "Medicinal dosage form" means the same as that term is defined in Section 58-37-~~  
4260 ~~3.6.]~~

4261 ~~[(9)]~~ (5) "Physician" means an individual who is licensed under:

4262 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

4263 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

4264 ~~[(10) "State approved grower and processor" means a person who grows cannabis~~  
4265 ~~pursuant to state law and processes the cannabis into a medicinal dosage form.]~~

4266 ~~[(11)]~~ (6) "Terminal illness" means a condition of a patient that:

4267 (a) as determined by a physician:

4268 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by  
4269 treatment with an investigational drug or investigational device; and

4270 (ii) will inevitably lead to the patient's death; and

4271 (b) presents the patient, after the patient has explored conventional therapy options,

4272 with no treatment option that is satisfactory or comparable to treatment with an investigational

4273 drug or device.

4274 Section ~~9299~~. Section **58-85-104** is amended to read:

4275 **58-85-104. Standard of care -- Medical practitioners not liable -- No private right**  
4276 **of action.**

4277 (1) ~~[(a)]~~ It is not a breach of the applicable standard of care for a physician, other  
4278 licensed health care provider, or hospital to treat an eligible patient with an investigational drug  
4279 or investigational device under this chapter.

4280 ~~[(b) It is not a breach of the applicable standard of care for a physician to recommend a~~  
4281 ~~cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility~~  
4282 ~~to aid or assist in any way a terminally ill patient's use of cannabis.]~~

4283 (2) A physician, other licensed health care provider, or hospital that treats an eligible  
4284 patient with an investigational drug or investigational device under this chapter~~[-, or a physician~~  
4285 ~~who recommends a cannabis-based treatment to a terminally ill patient or a health care facility~~  
4286 ~~that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under~~

4287 ~~this chapter,~~] may not, for any harm done to the eligible patient by the investigational drug or  
4288 device, [~~or for any harm done to the terminally ill patient by the cannabis-based treatment,~~] be  
4289 subject to:

4290 (a) civil liability;

4291 (b) criminal liability; or

4292 (c) licensure sanctions under:

4293 (i) for a physician:

4294 (A) Title 58, Chapter 67, Utah Medical Practice Act; or

4295 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

4296 (ii) for the other licensed health care provider, the act governing the other licensed  
4297 health care provider's license; or

4298 (iii) for the hospital [~~or health care facility~~], Title 26, Chapter 21, Health Care Facility  
4299 Licensing and Inspection Act.

4300 (3) This chapter does not:

4301 (a) require a manufacturer of an investigational drug or investigational device to agree  
4302 to make an investigational drug or investigational device available to an eligible patient or an  
4303 eligible patient's physician;

4304 (b) require a physician to agree to:

4305 (i) administer an investigational drug to an eligible patient under this chapter; or

4306 (ii) treat an eligible patient with an investigational device under this chapter; or

4307 [~~(iii) recommend a cannabis-based treatment to a terminally ill patient; or]~~

4308 (c) create a private right of action for an eligible patient:

4309 (i) against a physician or hospital, for the physician's or hospital's refusal to:

4310 (A) administer an investigational drug to an eligible patient under this chapter; or

4311 (B) treat an eligible patient with an investigational device under this chapter; or

4312 [~~(C) recommend a cannabis-based treatment to the terminally ill patient; or]~~

4313 (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient  
4314 with an investigational drug or an investigational device under this chapter.

4315 Section ~~93~~100. Section **58-85-105** is amended to read:

4316 **58-85-105. Insurance coverage.**

4317 (1) This chapter does not:

4318 (a) require an insurer to cover the cost of:

- 4319 (i) administering an investigational drug under this chapter; or  
4320 (ii) treating a patient with an investigational device under this chapter; or  
4321 [~~(iii) a cannabis-based treatment; or~~]  
4322 (b) prohibit an insurer from covering the cost of:  
4323 (i) administering an investigational drug under this chapter; or  
4324 (ii) treating a patient with an investigational device under this chapter[~~;~~].  
4325 [~~(iii) a cannabis-based treatment.~~]  
4326 (2) Except as described in Subsection (3), an insurer may deny coverage to an eligible  
4327 patient who is treated with an investigational drug or investigational device, for harm to the  
4328 eligible patient caused by the investigational drug or investigational device.  
4329 (3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:  
4330 (a) the eligible patient's preexisting condition;  
4331 (b) benefits that commenced before the day on which the eligible patient is treated with  
4332 the investigational drug or investigational device; or  
4333 (c) palliative or hospice care for an eligible patient that has been treated with an  
4334 investigational drug or device, but is no longer receiving curative treatment with the  
4335 investigational drug or device.

4336 Section ~~94101~~. Section ~~59-12-104.9 (Effective 07/01/19)~~**10** is amended to read:

4337 **59-12-104.9 (Effective 07/01/19). 10. Exemption from sales tax for cannabis.**

4338 (1) As used in this section:

4339 ~~— [(a) "Cannabidiol product" means the same as that term is defined in Section 4-41-~~  
4340 ~~102.]~~

4341 ~~— [(b) "Cannabidiol-qualified pharmacy" means the same as that term is defined in~~  
4342 ~~Section 58-88-102.]~~

4343 (a) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

4344 (b) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

4345 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-  
4346 4229 61b-102.

4347 (d) "Medicinal dosage form" means the same as that term is defined in Section 26-61b-  
4348 4231 102.

4349 (2) In addition to the exemptions described in Section 59-12-104, the sale by a  
4350 [cannabidiol-qualified pharmacy of a cannabidiol product] medical cannabis pharmacy or state



4351 central fill medical cannabis pharmacy of the following is not subject to the taxes ~~[imposed by]~~  
4352 this chapter imposes-:

4353 (a) cannabis in a medicinal dosage form; or

4354 (b) a cannabis product in a medicinal dosage form; ~~or.~~

4355 ~~(c) 3) The sale of a medical cannabis device by a medical cannabis pharmacy or the~~  
4356 state central fill medical cannabis pharmacy is subject to the taxes this chapter imposes.

4357 Section ~~95~~102. Section **62A-3-322** is enacted to read:

4358 **62A-3-322. Medical cannabis use by a vulnerable adult or guardian.**

4359 A peace officer or an employee or agent of the division may not solicit or provide, and  
4360 a court may not order, emergency services for a vulnerable adult based solely on:

4361 (1) the vulnerable adult's possession or use of cannabis in accordance with Title 26,

4362 Chapter 61b, Utah Medical Cannabis Act; or

4363 (2) the guardian of the vulnerable adult assisting with the use of or possessing cannabis

4364 in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act.

4365 Section 103. Section **62A-4a-202.1** is amended to read:

4366 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody -**  
4367 **- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**  
4368 **emergency placement.**

4369 (1) A peace officer or child welfare worker may not:

4370 (a) enter the home of a child who is not under the jurisdiction of the court, remove a  
4371 child from the child's home or school, or take a child into protective custody unless authorized  
4372 under Subsection 78A-6-106(2); or

4373 (b) remove a child from the child's home or take a child into custody under this section  
4374 solely on the basis of:

4375 (i) educational neglect, truancy, or failure to comply with a court order to attend  
4376 school[-]; or

4377 (ii) the possession or use, in accordance with Title 26, Chapter 61b, Utah Medical  
4378 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
4379 dosage form, or a medical cannabis device, as those terms are defined in Section 26-61b-102.

4380 (2) A child welfare worker within the division may take action under Subsection (1)  
4381 accompanied by a peace officer, or without a peace officer when a peace officer is not  
4382 reasonably available.

4383 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child  
4384 into protective custody, the child welfare worker shall also determine whether there are  
4385 services available that, if provided to a parent or guardian of the child, would eliminate the  
4386 need to remove the child from the custody of the child's parent or guardian.

4387 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be  
4388 utilized.

4389 (c) In determining whether the services described in Subsection (3)(a) are reasonably  
4390 available, and in making reasonable efforts to provide those services, the child's health, safety,  
4391 and welfare shall be the child welfare worker's paramount concern.

4392 (4) (a) A child removed or taken into custody under this section may not be placed or  
4393 kept in a secure detention facility pending court proceedings unless the child is detainable  
4394 based on guidelines promulgated by the Division of Juvenile Justice Services.

4395 (b) A child removed from the custody of the child's parent or guardian but who does  
4396 not require physical restriction shall be given temporary care in:

4397 (i) a shelter facility; or

4398 (ii) an emergency placement in accordance with Section 62A-4a-209.

4399 (c) When making a placement under Subsection (4)(b), the Division of Child and  
4400 Family Services shall give priority to a placement with a noncustodial parent, relative, or  
4401 friend, in accordance with Section 62A-4a-209.

4402 (d) If the child is not placed with a noncustodial parent, a relative, or a designated  
4403 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor  
4404 explaining why a different placement was in the child's best interest.

4405 (5) When a child is removed from the child's home or school or taken into protective  
4406 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

4407 (a) the parent's rights under this part, including the right to be present and participate in  
4408 any court proceeding relating to the child's case;

4409 (b) that it may be in the parent's best interest to contact an attorney and that, if the  
4410 parent cannot afford an attorney, the court will appoint one;

4411 (c) the name and contact information of a division employee the parent may contact  
4412 with questions;

4413 (d) resources that are available to the parent, including:

4414 (i) mental health resources;

- 4415 (ii) substance abuse resources; and  
4416 (iii) parenting classes; and  
4417 (e) any other information considered relevant by the division.  
4418 (6) The pamphlet or flier described in Subsection (5) shall be:  
4419 (a) evaluated periodically for its effectiveness at conveying necessary information and  
4420 revised accordingly;  
4421 (b) written in simple, easy-to-understand language; and  
4422 (c) available in English and other languages as the division determines to be  
4423 appropriate and necessary.

4424 Section ~~96~~104. Section **67-19-33** is amended to read:

4425 **67-19-33. Controlled substances and alcohol use prohibited.**

4426 ~~[A]~~ Except as provided in Title 26, Chapter 61b, Utah Medical Cannabis Act, an  
4427 employee may not:

4428 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a  
4429 controlled substance or alcohol during work hours or on state property except where legally  
4430 permissible;

4431 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol  
4432 if the activity prevents:

4433 (a) state agencies from receiving federal grants or performing under federal contracts  
4434 of \$25,000 or more; or

4435 (b) the employee to perform his services or work for state government effectively as  
4436 regulated by the rules of the executive director in accordance with Section 67-19-34; or

4437 (3) refuse to submit to a drug or alcohol test under Section 67-19-36.

4438 Section 105. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

4439 **78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.**

4440 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
4441 evidence of abandonment that the parent or parents:

4442 (a) although having legal custody of the child, have surrendered physical custody of  
4443 the child, and for a period of six months following the surrender have not manifested to the  
4444 child or to the person having the physical custody of the child a firm intention to resume  
4445 physical custody or to make arrangements for the care of the child;

4446 (b) have failed to communicate with the child by mail, telephone, or otherwise for six

4447 months;

4448 (c) failed to have shown the normal interest of a natural parent, without just cause; or

4449 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

4450 (2) In determining whether a parent or parents are unfit or have neglected a child the  
4451 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

4452 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
4453 parent unable to care for the immediate and continuing physical or emotional needs of the child  
4454 for extended periods of time;

4455 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive  
4456 nature;

4457 (c) habitual or excessive use of intoxicating liquors, controlled substances, or  
4458 dangerous drugs that render the parent unable to care for the child;

4459 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
4460 shelter, education, or other care necessary for the child's physical, mental, and emotional health  
4461 and development by a parent or parents who are capable of providing that care;

4462 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
4463 sentence is of such length that the child will be deprived of a normal home for more than one  
4464 year;

4465 (f) a history of violent behavior; or

4466 (g) whether the parent has intentionally exposed the child to pornography or material  
4467 harmful to a minor, as defined in Section 76-10-1201.

4468 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent  
4469 or otherwise consider a parent's lawful possession or consumption of cannabis in a medicinal  
4470 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as  
4471 those terms are defined in Section 26-61b-102, in accordance with Title 26, Chapter 61b, Utah  
4472 Medical Cannabis Act.

4473 [~~3~~] (4) A parent who, legitimately practicing the parent's religious beliefs, does not  
4474 provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit  
4475 parent.

4476 [~~4~~] (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful  
4477 or unfit because of a health care decision made for a child by the child's parent unless the state  
4478 or other party to the proceeding shows, by clear and convincing evidence, that the health care

4479 decision is not reasonable and informed.

4480 (b) Nothing in Subsection [~~(4)~~] (5)(a) may prohibit a parent from exercising the right  
4481 to obtain a second health care opinion.

4482 [~~(5)~~] (6) If a child has been placed in the custody of the division and the parent or  
4483 parents fail to comply substantially with the terms and conditions of a plan within six months  
4484 after the date on which the child was placed or the plan was commenced, whichever occurs  
4485 later, that failure to comply is evidence of failure of parental adjustment.

4486 [~~(6)~~] (7) The following circumstances constitute prima facie evidence of unfitness:

4487 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
4488 child, due to known or substantiated abuse or neglect by the parent or parents;

4489 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
4490 indicate the unfitness of the parent to provide adequate care to the extent necessary for the  
4491 child's physical, mental, or emotional health and development;

4492 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement  
4493 of the child;

4494 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
4495 commit murder or manslaughter of a child or child abuse homicide; or

4496 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
4497 of the child, without legal justification.

4498 Section ~~97~~106. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

4499 **78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

4500 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
4501 evidence of abandonment that the parent or parents:

4502 (a) although having legal custody of the child, have surrendered physical custody of  
4503 the child, and for a period of six months following the surrender have not manifested to the  
4504 child or to the person having the physical custody of the child a firm intention to resume  
4505 physical custody or to make arrangements for the care of the child;

4506 (b) have failed to communicate with the child by mail, telephone, or otherwise for six  
4507 months;

4508 (c) failed to have shown the normal interest of a natural parent, without just cause; or

4509 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

4510 (2) In determining whether a parent or parents are unfit or have neglected a child the

4511 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

4512 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
4513 parent unable to care for the immediate and continuing physical or emotional needs of the child  
4514 for extended periods of time;

4515 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive  
4516 nature;

4517 (c) habitual or excessive use of intoxicating liquors, controlled substances, or  
4518 dangerous drugs that render the parent unable to care for the child;

4519 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
4520 shelter, education, or other care necessary for the child's physical, mental, and emotional health  
4521 and development by a parent or parents who are capable of providing that care;

4522 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
4523 sentence is of such length that the child will be deprived of a normal home for more than one  
4524 year;

4525 (f) a history of violent behavior; or

4526 (g) whether the parent has intentionally exposed the child to pornography or material  
4527 harmful to a minor, as defined in Section 76-10-1201.

4528 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent  
4529 because of or otherwise consider the parent's lawful possession or consumption of [a  
4530 cannabidiol product, in accordance with Title 26, Chapter 65, Cannabidiol Product Act]  
4531 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a  
4532 medical cannabis device, as those terms are defined in Section 26-61b-102, in accordance with  
4533 Title 26, Chapter 61b, Utah Medical Cannabis Act.

4534 (4) A parent who, legitimately practicing the parent's religious beliefs, does not  
4535 provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit  
4536 parent.

4537 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
4538 unfit because of a health care decision made for a child by the child's parent unless the state or  
4539 other party to the proceeding shows, by clear and convincing evidence, that the health care  
4540 decision is not reasonable and informed.

4541 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
4542 obtain a second health care opinion.

4543 (6) If a child has been placed in the custody of the division and the parent or parents  
4544 fail to comply substantially with the terms and conditions of a plan within six months after the  
4545 date on which the child was placed or the plan was commenced, whichever occurs later, that  
4546 failure to comply is evidence of failure of parental adjustment.

4547 (7) The following circumstances constitute prima facie evidence of unfitness:

4548 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
4549 child, due to known or substantiated abuse or neglect by the parent or parents;

4550 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
4551 indicate the unfitness of the parent to provide adequate care to the extent necessary for the  
4552 child's physical, mental, or emotional health and development;

4553 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement  
4554 of the child;

4555 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
4556 commit murder or manslaughter of a child or child abuse homicide; or

4557 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
4558 of the child, without legal justification.

4559 Section ~~98107~~. **Repealer.**

4560 This bill repeals:

4561 ~~Section 4-41-201, Title.~~

4562 ~~Section 4-41-202, Definitions.~~

4563 ~~Section 4-41-203, Department to cultivate cannabis.~~

4564 ~~Section 4-41-204, Department to make rules regarding cultivation and processing.~~

4565 **Section 4-41-301, Department to establish a state dispensary.**

4566 **Section 4-41-302, Labeling.**

4567 **Section 4-41-304, Department to make rules regarding purchasers, communication**  
4568 **-- Report.**

4569 **Section 4-43-101 (Effective 07/01/19), Title.**

4570 **Section 4-43-102 (Effective 07/01/19), Definitions.**

4571 **Section 4-43-201 (Effective 07/01/19), Cannabidiol processor -- Cannabidiol**  
4572 **laboratory -- License -- Renewal.**

4573 **Section 4-43-202 (Effective 07/01/19), Renewal.**

4574 **Section 4-43-203 (Effective 07/01/19), Bond required for license.**

4575 Section **4-43-301 (Effective 07/01/19), Cannabidiol processor and laboratory**  
4576 **agents.**

4577 Section **4-43-401 (Effective 07/01/19), Cannabidiol processor or cannabidiol**  
4578 **laboratory -- General operating requirements.**

4579 Section **4-43-402 (Effective 07/01/19), Cannabidiol processor or cannabidiol**  
4580 **laboratory -- Inspection by department.**

4581 Section **4-43-501 (Effective 07/01/19), Cannabidiol processor -- Operating**  
4582 **requirements.**

4583 Section **4-43-502 (Effective 07/01/19), Cannabidiol product.**

4584 Section **4-43-503 (Effective 07/01/19), Cannabidiol medicine -- Labeling and**  
4585 **packaging.**

4586 Section **4-43-601 (Effective 07/01/19), Hemp and cannabidiol product testing.**

4587 Section **4-43-602 (Effective 07/01/19), Reporting -- Inspections.**

4588 Section **4-43-701 (Effective 07/01/19), Enforcement -- Fine -- Citation.**

4589 Section **4-43-702 (Effective 07/01/19), Report to the Legislature.**

4590 Section **4-43-703 (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product**  
4591 **Restricted Account.**

4592 Section **4-43-801 (Effective 07/01/19), Cannabinoid Product Restricted Account --**  
4593 **Creation.**

4594 Section **26-65-101 (Effective 07/01/19), Title.**

4595 Section **26-65-102 (Effective 07/01/19), Definitions.**

4596 Section **26-65-103 (Effective 07/01/19), Medicinal dosage form.**

4597 Section **26-65-201 (Effective 07/01/19), Insurance coverage.**

4598 Section **26-65-202 (Effective 07/01/19), Rules -- Report to the Legislature.**

4599 Section **58-67-808 (Effective 07/01/19), Recommendation of cannabidiol products.**

4600 Section **58-68-808 (Effective 07/01/19), Recommendation of cannabidiol products.**

4601 Section **58-85-103.5, Right to request a recommendation for a cannabis-based**  
4602 **treatment.**

4603 Section **58-88-101 (Effective 07/01/19), Title.**

4604 Section **58-88-102 (Effective 07/01/19), Definitions.**

4605 Section **58-88-103 (Effective 07/01/19), Cannabidiol-qualified pharmacy**  
4606 **requirements.**



4607 Section **58-88-104 (Effective 07/01/19), Division to make rules -- Study.**

4608 Section **59-12-104.9 (Effective 07/01/19), Exemption from sales tax for cannabinoid**

4609 **products.**

4610 Section **59-29-101 (Effective 07/01/19), Title.**

4611 Section **59-29-102 (Effective 07/01/19), Definitions.**

4612 Section **59-29-103 (Effective 07/01/19), Imposition of tax -- Rate -- Administration.**

4613 Section **59-29-104 (Effective 07/01/19), Collection of tax.**

4614 Section **59-29-105 (Effective 07/01/19), Deposit of tax revenue.**

4615 Section **59-29-106 (Effective 07/01/19), Records.**

4616 Section **59-29-107 (Effective 07/01/19), Rulemaking authority.**

4617 Section **59-29-108 (Effective 07/01/19), Penalties and interest.**

4618 Section 108. **Effective date.**

4619 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members

4620 elected to each house, this bill takes effect upon approval by the governor, or the day following

4621 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's

4622 signature, or in the case of a veto, the date of veto override.

4623 (2) The amendments to the Sections 41-6a-517 (Effective 07/01/19), 58-37-3.6

4624 (Effective 07/01/19), and 78A-6-508 (Effective 07/01/19) in this bill take effect on July 1,

4625 2019.

4626 Section 109. **Revisor instructions.**

4627 The Legislature intends that the Office of Legislative Research and General Counsel, in

4628 preparing the Utah Code database for publication, replace the references in Sections 4-41b-105

4629 and 26-61b-114 from "this bill" with the bill's designated chapter number in the Laws of Utah.