

**UTAH MEDICAL CANNABIS ACT**

2018 THIRD SPECIAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides for licensing and regulation of a cannabis cultivation facility, a cannabis processing facility, an independent cannabis testing laboratory, and a medical cannabis pharmacy;
- ▶ provides for security and tracking of medical cannabis and a medical cannabis product from cultivation to use to ensure safety and chemical content;
- ▶ requires certain labeling and childproof packaging of medical cannabis and a medical cannabis product;
- ▶ requires the Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services to create an electronic verification system to facilitate recommendation, dispensing, and record-keeping for medical cannabis transactions;
- ▶ allows an individual with a qualifying condition to obtain a medical cannabis patient card on the recommendation of a certain medical professional to gain access to medical cannabis;
- ▶ allows a patient to designate a caregiver to assist with accessing medical cannabis;
- ▶ provides for a parent or legal guardian to obtain a medical cannabis guardian card for an eligible minor patient and for the minor patient to concurrently receive a provisional patient card;
- ▶ provides certain housing and state employment discrimination protection for an individual who lawfully uses medical cannabis;
- ▶ limits the form and amount of medical cannabis available to a patient at one time;

- 33 ▶ prohibits a minor from entering a medical cannabis pharmacy;
- 34 ▶ requires the Department of Health to establish the state central fill medical cannabis
- 35 pharmacy;
- 36 ▶ provides for a process of state central fill shipment of medical cannabis and
- 37 cannabis product to a local health department for patient retrieval;
- 38 ▶ creates certain enterprise accounts;
- 39 ▶ imposes criminal penalties for improperly giving or selling medical cannabis;
- 40 ▶ decriminalizes certain conduct for certain individuals before the medical cannabis
- 41 card program and medical cannabis pharmacies are operational;
- 42 ▶ creates protections from state prosecution for the lawful possession, use, and sale of
- 43 medical cannabis;
- 44 ▶ prohibits a court from considering the lawful use of medical cannabis in a custody
- 45 proceeding;
- 46 ▶ repeals superfluous sections related to authorized use of cannabis or a cannabis
- 47 product;
- 48 ▶ provides a severability clause;
- 49 ▶ re-enacts language that the voter initiative repealed by implication through use of
- 50 outdated code; and
- 51 ▶ makes technical and conforming changes.

52 **Money Appropriated in this Bill:**

53 None

54 **Other Special Clauses:**

55 This bill provides a special effective date.

56 This bill provides revisor instructions.

57 **Utah Code Sections Affected:**

58 AMENDS:

59 **4-41-102**, as last amended by Laws of Utah 2018, Chapters 227 and 452

60 **7-1-401**, as last amended by Laws of Utah 2018, Chapter 446

61 **10-9a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

62 **17-27a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

63 **26-61-202**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last

64 amended by Laws of Utah 2018, Chapter 110  
65 **26-65-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
66 **26-65-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
67 **26A-1-117**, as last amended by Laws of Utah 2002, Chapter 249  
68 **30-3-10**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
69 **41-6a-517 (Superseded 07/01/19)**, as last amended by Laws of Utah 2017, Chapter 446  
70 **41-6a-517 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452  
71 **49-11-1401**, as last amended by Laws of Utah 2018, Chapter 61  
72 **53-1-106.5**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
73 **58-17b-302**, as last amended by Laws of Utah 2014, Chapter 72  
74 **58-17b-310**, as enacted by Laws of Utah 2004, Chapter 280  
75 **58-17b-502**, as last amended by Laws of Utah 2018, Chapter 295  
76 **58-37-3.6 (Superseded 07/01/19)**, as last amended by Laws of Utah 2018, Chapters  
77 333 and 446  
78 **58-37-3.6 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333,  
79 446, and 452  
80 **58-37-3.7**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
81 **58-37-3.9**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
82 **58-37f-203 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 123  
83 and 452  
84 **58-67-304**, as last amended by Laws of Utah 2018, Chapters 282 and 318  
85 **58-67-502**, as last amended by Laws of Utah 2017, Chapter 299  
86 **58-68-304**, as last amended by Laws of Utah 2018, Chapter 318  
87 **58-68-502**, as last amended by Laws of Utah 2017, Chapter 299  
88 **58-85-102**, as last amended by Laws of Utah 2018, Chapter 333  
89 **58-85-104**, as last amended by Laws of Utah 2018, Chapter 333  
90 **58-85-105**, as last amended by Laws of Utah 2018, Chapter 333  
91 **62A-4a-202.1**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
92 **63I-1-226**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last  
93 amended by Laws of Utah 2018, Chapters 180, 281, 384, 430, and 468

94           **63I-1-258**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last  
95           amended by Laws of Utah 2018, Chapter 399

96           **67-19-33**, as last amended by Laws of Utah 2006, Chapter 139

97           **78A-6-508 (Superseded 07/01/19)**, as last amended by Laws of Utah 2014, Chapter  
98           409

99           **78A-6-508 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

100 ENACTS:

101           **4-41a-104**, Utah Code Annotated 1953

102           **4-41a-105**, Utah Code Annotated 1953

103           **4-41a-106**, Utah Code Annotated 1953

104           **4-41a-405**, Utah Code Annotated 1953

105           **26-36d-101**, Utah Code Annotated 1953

106           **26-36d-102**, Utah Code Annotated 1953

107           **26-36d-103**, Utah Code Annotated 1953

108           **26-36d-201**, Utah Code Annotated 1953

109           **26-36d-202**, Utah Code Annotated 1953

110           **26-36d-203**, Utah Code Annotated 1953

111           **26-36d-204**, Utah Code Annotated 1953

112           **26-36d-205**, Utah Code Annotated 1953

113           **26-36d-206**, Utah Code Annotated 1953

114           **26-36d-207**, Utah Code Annotated 1953

115           **26-36d-208**, Utah Code Annotated 1953

116           **26-61a-110**, Utah Code Annotated 1953

117           **26-61a-112**, Utah Code Annotated 1953

118           **26-61a-113**, Utah Code Annotated 1953

119           **26-61a-114**, Utah Code Annotated 1953

120           **26-61a-205**, Utah Code Annotated 1953

121           **26-61a-403**, Utah Code Annotated 1953

122           **26-61a-503**, Utah Code Annotated 1953

123           **26-61a-601**, Utah Code Annotated 1953

124           **26-61a-602**, Utah Code Annotated 1953

125           **26-61a-603**, Utah Code Annotated 1953  
126           **26-61a-604**, Utah Code Annotated 1953  
127           **26-61a-605**, Utah Code Annotated 1953  
128           **26-61a-606**, Utah Code Annotated 1953  
129           **26-61a-607**, Utah Code Annotated 1953  
130           **26-61a-608**, Utah Code Annotated 1953  
131           **26-61a-609**, Utah Code Annotated 1953  
132           **26-61a-610**, Utah Code Annotated 1953  
133           **26-61a-611**, Utah Code Annotated 1953  
134           **26-61a-701**, Utah Code Annotated 1953  
135           **53-10-117**, Utah Code Annotated 1953  
136           **58-20b-101**, Utah Code Annotated 1953  
137           **58-20b-102**, Utah Code Annotated 1953  
138           **58-20b-201**, Utah Code Annotated 1953  
139           **58-20b-301**, Utah Code Annotated 1953  
140           **58-20b-302**, Utah Code Annotated 1953  
141           **58-20b-303**, Utah Code Annotated 1953  
142           **58-20b-304**, Utah Code Annotated 1953  
143           **58-20b-305**, Utah Code Annotated 1953  
144           **58-20b-401**, Utah Code Annotated 1953  
145           **58-20b-501**, Utah Code Annotated 1953  
146           **59-12-104.10**, Utah Code Annotated 1953  
147           **62A-3-322**, Utah Code Annotated 1953

148   RENUMBERS AND AMENDS:

149           **4-41a-101**, (Renumbered from 4-41B-101, as enacted by Statewide Initiative --  
150           Proposition 2, Nov. 6, 2018)  
151           **4-41a-102**, (Renumbered from 4-41B-102, as enacted by Statewide Initiative --  
152           Proposition 2, Nov. 6, 2018)  
153           **4-41a-103**, (Renumbered from 4-41B-103, as enacted by Statewide Initiative --  
154           Proposition 2, Nov. 6, 2018)

- 155           **4-41a-201**, (Renumbered from 4-41B-201, as enacted by Statewide Initiative --  
156           Proposition 2, Nov. 6, 2018)
- 157           **4-41a-202**, (Renumbered from 4-41B-302, as enacted by Statewide Initiative --  
158           Proposition 2, Nov. 6, 2018)
- 159           **4-41a-203**, (Renumbered from 4-41B-202, as enacted by Statewide Initiative --  
160           Proposition 2, Nov. 6, 2018)
- 161           **4-41a-204**, (Renumbered from 4-41B-203, as enacted by Statewide Initiative --  
162           Proposition 2, Nov. 6, 2018)
- 163           **4-41a-205**, (Renumbered from 4-41B-204, as enacted by Statewide Initiative --  
164           Proposition 2, Nov. 6, 2018)
- 165           **4-41a-301**, (Renumbered from 4-41B-301, as enacted by Statewide Initiative --  
166           Proposition 2, Nov. 6, 2018)
- 167           **4-41a-302**, (Renumbered from 4-41B-303, as enacted by Statewide Initiative --  
168           Proposition 2, Nov. 6, 2018)
- 169           **4-41a-401**, (Renumbered from 4-41B-401, as enacted by Statewide Initiative --  
170           Proposition 2, Nov. 6, 2018)
- 171           **4-41a-402**, (Renumbered from 4-41B-402, as enacted by Statewide Initiative --  
172           Proposition 2, Nov. 6, 2018)
- 173           **4-41a-403**, (Renumbered from 4-41B-403, as enacted by Statewide Initiative --  
174           Proposition 2, Nov. 6, 2018)
- 175           **4-41a-404**, (Renumbered from 4-41B-404, as enacted by Statewide Initiative --  
176           Proposition 2, Nov. 6, 2018)
- 177           **4-41a-406**, (Renumbered from 4-41B-405, as enacted by Statewide Initiative --  
178           Proposition 2, Nov. 6, 2018)
- 179           **4-41a-501**, (Renumbered from 4-41B-501, as enacted by Statewide Initiative --  
180           Proposition 2, Nov. 6, 2018)
- 181           **4-41a-502**, (Renumbered from 4-41B-502, as enacted by Statewide Initiative --  
182           Proposition 2, Nov. 6, 2018)
- 183           **4-41a-601**, (Renumbered from 4-41B-601, as enacted by Statewide Initiative --  
184           Proposition 2, Nov. 6, 2018)
- 185           **4-41a-602**, (Renumbered from 4-41B-602, as enacted by Statewide Initiative --

186 Proposition 2, Nov. 6, 2018)  
187 **4-41a-603**, (Renumbered from 4-41B-603, as enacted by Statewide Initiative --  
188 Proposition 2, Nov. 6, 2018)  
189 **4-41a-701**, (Renumbered from 4-41B-701, as enacted by Statewide Initiative --  
190 Proposition 2, Nov. 6, 2018)  
191 **4-41a-702**, (Renumbered from 4-41B-702, as enacted by Statewide Initiative --  
192 Proposition 2, Nov. 6, 2018)  
193 **4-41a-801**, (Renumbered from 4-41B-801, as enacted by Statewide Initiative --  
194 Proposition 2, Nov. 6, 2018)  
195 **4-41a-802**, (Renumbered from 4-41B-802, as enacted by Statewide Initiative --  
196 Proposition 2, Nov. 6, 2018)  
197 **26-61a-101**, (Renumbered from 26-60B-101, as enacted by Statewide Initiative --  
198 Proposition 2, Nov. 6, 2018)  
199 **26-61a-102**, (Renumbered from 26-60B-102, as enacted by Statewide Initiative --  
200 Proposition 2, Nov. 6, 2018)  
201 **26-61a-103**, (Renumbered from 26-60B-103, as enacted by Statewide Initiative --  
202 Proposition 2, Nov. 6, 2018)  
203 **26-61a-104**, (Renumbered from 26-60B-104, as enacted by Statewide Initiative --  
204 Proposition 2, Nov. 6, 2018)  
205 **26-61a-105**, (Renumbered from 26-60B-105, as enacted by Statewide Initiative --  
206 Proposition 2, Nov. 6, 2018)  
207 **26-61a-106**, (Renumbered from 26-60B-106, as enacted by Statewide Initiative --  
208 Proposition 2, Nov. 6, 2018)  
209 **26-61a-107**, (Renumbered from 26-60B-107, as enacted by Statewide Initiative --  
210 Proposition 2, Nov. 6, 2018)  
211 **26-61a-108**, (Renumbered from 26-60B-108, as enacted by Statewide Initiative --  
212 Proposition 2, Nov. 6, 2018)  
213 **26-61a-109**, (Renumbered from 26-60B-109, as enacted by Statewide Initiative --  
214 Proposition 2, Nov. 6, 2018)  
215 **26-61a-111**, (Renumbered from 26-60B-110, as enacted by Statewide Initiative --

216 Proposition 2, Nov. 6, 2018)

217 **26-61a-201**, (Renumbered from 26-60B-201, as enacted by Statewide Initiative --

218 Proposition 2, Nov. 6, 2018)

219 **26-61a-202**, (Renumbered from 26-60B-202, as enacted by Statewide Initiative --

220 Proposition 2, Nov. 6, 2018)

221 **26-61a-203**, (Renumbered from 26-60B-203, as enacted by Statewide Initiative --

222 Proposition 2, Nov. 6, 2018)

223 **26-61a-204**, (Renumbered from 26-60B-204, as enacted by Statewide Initiative --

224 Proposition 2, Nov. 6, 2018)

225 **26-61a-301**, (Renumbered from 26-60B-301, as enacted by Statewide Initiative --

226 Proposition 2, Nov. 6, 2018)

227 **26-61a-302**, (Renumbered from 26-60B-402, as enacted by Statewide Initiative --

228 Proposition 2, Nov. 6, 2018)

229 **26-61a-303**, (Renumbered from 26-60B-302, as enacted by Statewide Initiative --

230 Proposition 2, Nov. 6, 2018)

231 **26-61a-304**, (Renumbered from 26-60B-303, as enacted by Statewide Initiative --

232 Proposition 2, Nov. 6, 2018)

233 **26-61a-305**, (Renumbered from 26-60B-304, as enacted by Statewide Initiative --

234 Proposition 2, Nov. 6, 2018)

235 **26-61a-401**, (Renumbered from 26-60B-401, as enacted by Statewide Initiative --

236 Proposition 2, Nov. 6, 2018)

237 **26-61a-402**, (Renumbered from 26-60B-403, as enacted by Statewide Initiative --

238 Proposition 2, Nov. 6, 2018)

239 **26-61a-501**, (Renumbered from 26-60B-501, as enacted by Statewide Initiative --

240 Proposition 2, Nov. 6, 2018)

241 **26-61a-502**, (Renumbered from 26-60B-502, as enacted by Statewide Initiative --

242 Proposition 2, Nov. 6, 2018)

243 **26-61a-504**, (Renumbered from 26-60B-503, as enacted by Statewide Initiative --

244 Proposition 2, Nov. 6, 2018)

245 **26-61a-505**, (Renumbered from 26-60B-504, as enacted by Statewide Initiative --

246 Proposition 2, Nov. 6, 2018)



- 247           **26-61a-506**, (Renumbered from 26-60B-505, as enacted by Statewide Initiative --  
248           Proposition 2, Nov. 6, 2018)
- 249           **26-61a-507**, (Renumbered from 26-60B-506, as enacted by Statewide Initiative --  
250           Proposition 2, Nov. 6, 2018)
- 251           **26-61a-702**, (Renumbered from 26-60B-601, as enacted by Statewide Initiative --  
252           Proposition 2, Nov. 6, 2018)
- 253           **26-61a-703**, (Renumbered from 26-60B-602, as enacted by Statewide Initiative --  
254           Proposition 2, Nov. 6, 2018)
- 255           **58-37-3.8**, (Renumbered from 58-37-3.6b, as enacted by Statewide Initiative --  
256           Proposition 2, Nov. 6, 2018)
- 257   REPEALS:
- 258           **4-41-201**, as enacted by Laws of Utah 2018, Chapter 446
- 259           **4-41-202**, as enacted by Laws of Utah 2018, Chapter 446
- 260           **4-41-203**, as enacted by Laws of Utah 2018, Chapter 446
- 261           **4-41-301**, as enacted by Laws of Utah 2018, Chapter 446
- 262           **4-41-302**, as enacted by Laws of Utah 2018, Chapter 446
- 263           **4-41-303**, as enacted by Laws of Utah 2018, Chapter 446
- 264           **4-41-304**, as enacted by Laws of Utah 2018, Chapter 446
- 265           **4-41B-104**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
- 266           **4-43-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 267           **4-43-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 268           **4-43-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 269           **4-43-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 270           **4-43-203 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 271           **4-43-301 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 272           **4-43-401 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 273           **4-43-402 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 274           **4-43-501 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 275           **4-43-502 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 276           **4-43-503 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

277 4-43-601 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
278 4-43-602 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
279 4-43-701 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
280 4-43-702 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
281 4-43-703 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
282 4-43-801 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
283 58-67-808 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
284 58-68-808 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
285 58-85-103.5, as enacted by Laws of Utah 2018, Chapter 333  
286 58-88-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
287 58-88-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
288 58-88-103 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
289 58-88-104 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
290 59-12-104.7 (Repealed 01/01/19), as repealed by Laws of Utah 2018, Second Special  
291 Session, Chapter 6  
292 59-12-104.9 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
293 59-29-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
294 59-29-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
295 59-29-103 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
296 59-29-104 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
297 59-29-105 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
298 59-29-106 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
299 59-29-107 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452  
300 59-29-108 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

301 **Utah Code Sections Affected by Revisor Instructions:**

302 4-41a-105, Utah Code Annotated 1953  
303 4-41a-201, Utah Code Annotated 1953  
304 4-41a-301, (Renumbered from 4-41B-301, as enacted by Statewide Initiative --  
305 Proposition 2, Nov. 6, 2018)  
306 4-41a-401, (Renumbered from 4-41B-401, as enacted by Statewide Initiative --  
307 Proposition 2, Nov. 6, 2018)

- 308           **26-61a-114**, Utah Code Annotated 1953  
 309           **26-61a-202**, (Renumbered from 26-60B-202, as enacted by Statewide Initiative --  
 310           Proposition 2, Nov. 6, 2018)  
 311           **26-61a-301**, (Renumbered from 26-60B-301, as enacted by Statewide Initiative --  
 312           Proposition 2, Nov. 6, 2018)  
 313           **26-61a-401**, (Renumbered from 26-60B-401, as enacted by Statewide Initiative --  
 314           Proposition 2, Nov. 6, 2018)  
 315           **26-61a-501**, (Renumbered from 26-60B-501, as enacted by Statewide Initiative --  
 316           Proposition 2, Nov. 6, 2018)  
 317           **26-61a-602**, Utah Code Annotated 1953  
 318           **26-61a-606**, Utah Code Annotated 1953

319

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

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

322           **4-41-102. Definitions.**

323           ~~[For purposes of]~~ As used in this chapter:

324           (1) "Agricultural pilot program" means a program to study the growth, cultivation, or  
 325   marketing of industrial hemp.

326           (2) "Cannabidiol product" means a chemical compound extracted from a hemp product  
 327   that:

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

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

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

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

335           (5) "Industrial hemp license" means a license issued by the department to a person for  
 336   the purpose of participating in a research pilot program.

337           (6) "Industrial hemp product" means a product derived from, or made by, processing

338 industrial hemp plants or industrial hemp parts.

339 (7) "Licensee" means an individual or business entity possessing a license issued by the  
340 department under this chapter to grow, cultivate, process, or market industrial hemp or an  
341 industrial hemp product.

342 (8) "Medicinal dosage form" means [~~the same as that term is defined in Section~~  
343 ~~26-65-102~~] a tablet, capsule, concentrated oil, sublingual, topical, transdermal, or gelatinous  
344 cube that is designed for ingestion through chewing or holding in the mouth for slow  
345 dissolution.

346 (9) "Person" means:

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

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

351 (10) "Research pilot program" means a program conducted by the department in  
352 collaboration with at least one licensee to study methods of cultivating, processing, or  
353 marketing industrial hemp.

354 Section 2. Section ~~4-41a-101~~, which is renumbered from Section 4-41B-101 is  
355 renumbered and amended to read:

356 **CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS.**

357 **Part 1. General Provisions.**

358 [~~4-41B-101~~]. **4-41a-101. Title.**

359 (1) This chapter is known as "Cannabis Production Establishments."

360 Section 3. Section ~~4-41a-102~~, which is renumbered from Section 4-41B-102 is  
361 renumbered and amended to read:

362 [~~4-41B-102~~]. **4-41a-102. Definitions.**

363 As used in this chapter:

364 (1) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.

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

366 (a) possesses cannabis;

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

368 (c) sells or intends to sell cannabis to a cannabis [~~production establishments~~]

369 cultivation facility or to a cannabis [~~dispensaries~~] processing facility.

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

371 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a  
372 cannabis cultivation facility[-]; and

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

374 [~~(4) "Cannabis dispensary" means the same as that term is defined in Section~~  
375 ~~26-60b-102.~~]

376 [~~(5) "Cannabis dispensary agent" means the same as that term is defined in Section~~  
377 ~~26-60b-102.~~]

378 [~~(6)~~ (4) "Cannabis processing facility" means a person that:

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

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

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

385 (d) sells or intends to sell a cannabis product to a medical cannabis [~~dispensary~~]  
386 pharmacy or the state central fill medical cannabis pharmacy.

387 [~~(7)~~ (5) "Cannabis processing facility agent" means an individual who:

388 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a  
389 cannabis processing facility[-]; and

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

391 [~~(8)~~ (6) "Cannabis product" means the same as that term is defined in Section  
392 ~~[58-37-3-6b]~~ 26-61a-102.

393 [~~(9)~~ (7) "Cannabis production establishment" means a cannabis cultivation facility, a  
394 cannabis processing facility, or an independent cannabis testing laboratory.

395 [~~(10)~~ (8) "Cannabis production establishment agent" means a cannabis cultivation  
396 facility agent, a cannabis processing facility agent, or an independent cannabis testing  
397 laboratory agent.

398 [~~(11)~~ (9) "Cannabis production establishment agent registration card" means a  
399 registration card[~~, issued by~~] that the department[~~,~~] issues that:

400 (a) authorizes an individual to act as a cannabis production establishment agent; and

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

403 ~~[(12)]~~ (10) "Community location" means a public or private school, a church, a public  
404 library, a public playground, or a public park.

405 (11) "Department" means the Department of Agriculture and Food.

406 (12) "Family member" means a parent, spouse, child, sibling, uncle, aunt, nephew,  
407 niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law,  
408 daughter-in-law, grandparent, or grandchild.

409 (13) "Independent cannabis testing laboratory" means a person that:

410 (a) conducts a chemical or other analysis of cannabis or a cannabis product; or

411 (b) acquires, possesses, and transports cannabis or a cannabis product with the intent to  
412 conduct a chemical or other analysis of the cannabis or cannabis product.

413 (14) "Independent cannabis testing laboratory agent" means an individual who:

414 (a) is an ~~[owner, officer, director, board member,]~~ employee~~[-, or volunteer]~~ of an  
415 independent cannabis testing laboratory~~[-]; and~~

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

417 (15) "Inventory control system" means ~~[the]~~ a system described in Section ~~[4-41b-103]~~  
418 4-41a-103.

419 (16) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

420 ~~[(16)]~~ (17) "Medical cannabis card" means the same as that term is defined in Section  
421 ~~[26-60b-102]~~ 26-61a-102.

422 (18) "Medical cannabis pharmacy" means the same as that term is defined in Section  
423 26-61a-102.

424 (19) "Medical cannabis pharmacy agent" means the same as that term is defined in  
425 Section 26-61a-102.

426 ~~[(17) "Medical Cannabis Restricted Account" means the account created in Section~~  
427 ~~26-60b-109.]~~

428 (20) "Medicinal dosage form" means the same as that term is defined in Section  
429 26-61a-102.

430 ~~[(18) "Physician"]~~ (21) "Qualified medical provider" means the same as that term is

431 defined in Section ~~[26-60b-107]~~ 26-61a-102.

432 (22) "Qualified Production Enterprise Account" means the account created in Section  
433 4-41a-104.

434 (23) "State central fill agent" means the same as that term is defined in Section  
435 26-61a-102.

436 (24) "State central fill medical cannabis pharmacy" means the same as that term is  
437 defined in Section 26-61a-102.

438 (25) "State central fill shipment" means the same as that term is defined in Section  
439 26-61a-102.

440 ~~[(19)]~~ (26) "State electronic verification system" means the system described in Section  
441 ~~[26-60b-103]~~ 26-61a-103.

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

444 (28) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and  
445 tetrahydrocannabinolic acid.

446 Section 4. Section **4-41a-103**, which is renumbered from Section 4-41B-103 is  
447 renumbered and amended to read:

448 ~~[4-41B-103].~~ **4-41a-103. Inventory control system.**

449 (1) ~~[A]~~ Each cannabis production establishment ~~[and a]~~, each medical cannabis  
450 [dispensary] pharmacy, and the state central fill medical cannabis pharmacy shall maintain an  
451 inventory control system that meets the requirements of this section.

452 (2) ~~[An]~~ A cannabis production establishment, a medical cannabis pharmacy, and the  
453 state central fill medical cannabis pharmacy shall ensure that the inventory control system  
454 ~~[shall track]~~ maintained by the establishment or pharmacy:

455 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis  
456 plant is eight inches tall[;] and has a root ball[;] until the cannabis is disposed of or sold, in the  
457 form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis  
458 card[; ~~(3) An inventory control system shall store~~];

459 (b) stores in real time a record of the amount of cannabis and cannabis products in the  
460 ~~[cannabis production establishment's or cannabis dispensary's]~~ possession[; ~~(4) An inventory~~  
461 ~~control system shall include~~] of the establishment or pharmacy;

462 (c) includes a video recording system that:

463 ~~[(a)]~~ (i) tracks all handling and processing of cannabis or a cannabis product in the

464 ~~[cannabis production]~~ establishment or ~~[cannabis dispensary]~~ pharmacy;

465 ~~[(b)]~~ (ii) is tamper proof; ~~[and (c) is capable of storing]~~

466 (iii) stores a video record for at least 45 days~~[- (5) An inventory control system~~

467 ~~installed in a cannabis production establishment or cannabis dispensary shall maintain]; and~~

468 (d) preserves compatibility with the state electronic verification system described in

469 Section 26-61a-103.

470 ~~[(6)]~~ (3) A cannabis production establishment ~~[or], a medical~~ cannabis ~~[dispensary]~~

471 pharmacy, and the state central fill medical cannabis pharmacy shall allow the department or

472 the Department of Health access to the cannabis production establishment's ~~[or], medical~~

473 cannabis ~~[dispensary's]~~ pharmacy's, or state central fill medical cannabis pharmacy's inventory

474 control system ~~[during an inspection]~~ at any time.

475 ~~[(7)]~~ (4) The department may establish compatibility standards for an inventory control

476 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

477 Rulemaking Act.

478 (5) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah

479 Administrative Rulemaking Act, establishing requirements for aggregate or batch records

480 regarding the planting and propagation of cannabis before being tracked in an inventory control

481 system described in this section.

482 (b) The department shall ensure that the rules described in Subsection (5)(a) address

483 record-keeping for the amount of planted seed, number of cuttings taken, date and time of

484 cutting and planting, number of plants established, and number of plants culled or dead.

485 Section 5. Section **4-41a-104** is enacted to read:

486 **4-41a-104. Qualified Production Enterprise Account -- Creation -- Revenue**

487 **neutrality.**

488 (1) There is created in the General Fund an enterprise account known as the "Qualified

489 Production Enterprise Account."

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

491 (a) money the department deposits into the account under this chapter;

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



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

494 (3) Interest earned on the Qualified Production Enterprise Account shall be deposited  
495 into the account.

496 (4) The department may only use money in the account to fund the department's  
497 implementation of this chapter.

498 (5) The department shall set fees authorized under this chapter in amounts that the  
499 department anticipates are necessary, in total, to cover the department's cost to implement this  
500 chapter.

501 Section 6. Section **4-41a-105** is enacted to read:

502 **4-41a-105. Severability clause.**

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

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

508 Section 7. Section **4-41a-106** is enacted to read:

509 **4-41a-106. Agreement with a tribe.**

510 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian  
511 band.

512 (2) (a) In accordance with this section, the governor may enter into an agreement with a  
513 tribe to allow for the operation of a cannabis production establishment on tribal land located  
514 within the state.

515 (b) An agreement described in Subsection (2)(a) may not exempt any person from the  
516 requirements of this chapter.

517 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

518 (i) is in writing;

519 (ii) is signed by:

520 (A) the governor; and

521 (B) the governing body of the tribe that the tribe designates and has the authority to  
522 bind the tribe to the terms of the agreement;

523 (iii) is conditioned on obtaining any approval required by federal law;

- 524 (iv) states the effective date of the agreement;  
 525 (v) provides that the governor shall renegotiate the agreement if the agreement is or  
 526 becomes inconsistent with a state statute; and  
 527 (vi) includes any accommodation that the tribe makes:  
 528 (A) to which the tribe agrees; and  
 529 (B) that is reasonably related to the agreement.  
 530 (d) Before executing an agreement under this Subsection (2), the governor shall consult  
 531 with the department.  
 532 (e) At least 30 days before the execution of an agreement described in this Subsection  
 533 (2), the governor or the governor's designee shall provide a copy of the agreement in the form  
 534 in which the agreement will be executed to:  
 535 (i) the chairs of the Native American Legislative Liaison Committee; and  
 536 (ii) the Office of Legislative Research and General Counsel.

537 Section 8. Section ~~4-41a-201~~, which is renumbered from Section 4-41B-201 is  
 538 renumbered and amended to read:

539 **Part 2. Cannabis Production Establishment.**

540 ~~[4-41B-201].~~ **4-41a-201. Cannabis production establishment -- License.**

541 (1) A person may not operate a cannabis production establishment without a license  
 542 ~~issued by~~ that the department issues under this chapter.

543 (2) (a) Subject to Subsections (6) and (7) and [to] Section [4-41b-204] 4-41a-205, the  
 544 department shall, [within 90 days after receiving a complete application] in accordance with  
 545 Title 63G, Chapter 6a, Utah Procurement Code, issue a license to operate a cannabis  
 546 production establishment to [a person who] an applicant who is eligible for a license under this  
 547 section.

548 (b) An applicant is eligible for a license under this section if the applicant submits to  
 549 the department:

550 ~~[(a)]~~ (i) a proposed name and address, located in a zone described in Subsection  
 551 4-41a-406(1)(a) or (b), where the [person] applicant will operate the cannabis production  
 552 establishment that is not within [600] 1,000 feet of a community location or within [300] 600  
 553 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to  
 554 the cannabis production establishment by following the shortest route of ordinary pedestrian

555 travel to the property boundary of the community location or residential area, unless the  
556 relevant county or municipality recommends in writing that the department waive the  
557 community location proximity limit;

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

559 (A) a financial or voting interest of ~~[two percent]~~ 2% or greater in the proposed  
560 cannabis production establishment; or ~~[who has]~~

561 (B) the power to direct or cause the management or control of a proposed ~~[medical]~~  
562 cannabis production establishment;

563 ~~(c)~~ (iii) an operating plan that:

564 (A) complies with Section ~~[4-41b-203 and that]~~ 4-41a-204;

565 (B) includes operating procedures ~~[to]~~ that comply with ~~[the requirements of]~~ this  
566 chapter and ~~[with]~~ any ~~[laws adopted by]~~ law the municipality or county ~~[that are]~~ in which the  
567 person is located adopts that is consistent with Section ~~[4-41b-405]~~ 4-41a-406; and

568 (c) the department approves;

569 ~~(d)~~ (iv) ~~[financial statements demonstrating that the person possesses a minimum of]~~  
570 evidence that the applicant has obtained and maintains a performance bond that a surety  
571 authorized to transact surety business in the state issues in an amount of at least:

572 (A) ~~[\$500,000 in liquid assets available]~~ \$250,000 for each cannabis cultivation facility  
573 for which the ~~[person]~~ applicant applies; or ~~[a minimum of \$100,000]~~

574 (B) ~~[in liquid assets available]~~ \$50,000 for each cannabis processing facility or  
575 independent cannabis testing laboratory for which the ~~[person]~~ applicant applies;

576 ~~(e) if the municipality or county where the proposed cannabis production~~  
577 ~~establishment would be located has enacted zoning restrictions, a sworn statement certifying~~  
578 ~~that the proposed cannabis production establishment is in compliance with the restrictions;]~~

579 ~~(f)~~ (v) if the municipality or county where the proposed cannabis production  
580 establishment would be located requires a local land use permit ~~[or license]~~, a copy of the  
581 applicant's application for the local permit or license; and

582 ~~(g)~~ (vi) an application fee ~~[established by]~~ in an amount that, subject to Subsection  
583 4-41a-104(5), the department sets in accordance with Section 63J-1-504~~[- that is necessary to~~  
584 ~~cover the department's cost to implement this chapter].~~

585 (3) If the department ~~[determines that a cannabis production establishment is eligible]~~

586 approves an application for a license under this section[;]:

587 (a) the applicant shall pay the department [~~shall charge the cannabis establishment~~] an  
588 initial license fee in an amount [~~determined by~~] that, subject to Subsection 4-41a-104(5), the  
589 department sets in accordance with Section 63J-1-504[-]; and

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

592 (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), the department shall require a  
593 separate license for each type of cannabis production establishment and each location of a  
594 cannabis production establishment.

595 [~~(5)~~] (b) The department may issue a cannabis cultivation facility license and a  
596 cannabis processing facility license to a person to operate at the same physical location or at  
597 separate physical locations.

598 (5) If the department receives more than one application for a cannabis production  
599 establishment within the same city or town, the department shall consult with the local land use  
600 authority before approving any of the applications pertaining to that city or town.

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

603 (a) [~~that~~] holds a license or has an ownership interest in a medical cannabis  
604 [~~dispensary~~] pharmacy, a cannabis processing facility, or a cannabis cultivation facility [~~in the~~  
605 ~~state~~];

606 (b) [~~that~~] has an owner, officer, director, or employee whose [~~immediate~~] family  
607 member holds a license or has an ownership interest in a medical cannabis [~~dispensary~~]  
608 pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or

609 (c) [~~who~~] proposes to operate the independent cannabis testing laboratory at the same  
610 physical location as a medical cannabis [~~dispensary~~] pharmacy, a cannabis processing facility,  
611 or a cannabis cultivation facility.

612 (7) The department may not issue a license to operate a cannabis production  
613 establishment to an applicant if any individual [~~who has a financial or voting interest of two~~  
614 ~~percent or greater in the applicant or who has the power to direct or cause the management or~~  
615 ~~control of the applicant~~] described in Subsection (2)(b)(ii):

616 (a) has been convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal

617 law~~[, or]~~ of:

618 (i) a felony; or

619 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

620 (b) is ~~[less]~~ younger than 21 years ~~[of age]~~ old.

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

622 (a) if the cannabis production establishment [is] does not [operating] begin cannabis  
623 production operations within one year [of the issuance of] after the day on which the  
624 department issues the initial license[-];

625 (b) after the cannabis production establishment makes the same violation of this  
626 chapter three times; or

627 (c) if any individual described in Subsection (2)(b) is convicted, while the license is  
628 active, under state or federal law of:

629 (i) a felony; or

630 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

631 (9) The department shall deposit the proceeds of a fee ~~[imposed by]~~ that the department  
632 imposes under this section [in] into the [Medical Cannabis Restricted] Qualified Production  
633 Enterprise Account.

634 (10) The department shall begin accepting applications under this part ~~[no later than]~~  
635 on or before January 1, 2020.

636 (11) The department's authority to issue a license under this section is plenary and is  
637 not subject to review.

638 Section 9. Section **4-41a-202**, which is renumbered from Section 4-41B-302 is  
639 renumbered and amended to read:

640 ~~[4-41B-302].~~ **4-41a-202. Cannabis production establishment owners and**  
641 **directors -- Criminal background checks.**

642 (1) Each applicant for a license as a cannabis production establishment shall submit, at  
643 the time of application, from each individual who has a financial or voting interest of ~~[two~~  
644 ~~percent]~~ 2% or greater in the applicant or who has the power to direct or cause the management  
645 or control of the applicant:

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

647 (b) consent to a fingerprint background check by the Utah Bureau of Criminal

648 Identification and the Federal Bureau of Investigation, including registration in the FBI Rap  
 649 Back System, as that term is defined in Section 53-10-108.

650 (2) The department shall request that the Department of Public Safety complete a  
 651 Federal Bureau of Investigation criminal background check under Section 53-10-117 for ~~[the]~~  
 652 each individual described in Subsection (1).

653 Section 10. Section **4-41a-203**, which is renumbered from Section 4-41B-202 is  
 654 renumbered and amended to read:

655 ~~[4-41B-202].~~ **4-41a-203. Renewal.**

656 ~~[(1)]~~ The department shall renew a ~~[person's]~~ license issued under Section ~~[4-41b-201]~~  
 657 4-41a-201 every ~~[two years,]~~ year if, at the time of renewal:

658 ~~[(a)]~~ (1) the ~~[person]~~ licensee meets the requirements of Section ~~[4-41b-201]~~  
 659 4-41a-201; ~~[and]~~

660 ~~[(b)]~~ (2) the ~~[person]~~ licensee pays the department a license renewal fee in an amount  
 661 ~~[determined by]~~ that, subject to Subsection 4-41a-104(5), the department sets in accordance  
 662 with Section 63J-1-504~~[-];~~ and

663 (3) if the cannabis production establishment changes the operating plan described in  
 664 Section 4-41a-204 that the department approved under Subsection 4-41a-201(2)(b)(iii), the  
 665 department approves the new operating plan.

666 Section 11. Section **4-41a-204**, which is renumbered from Section 4-41B-203 is  
 667 renumbered and amended to read:

668 ~~[4-41B-203].~~ **4-41a-204. Operating plan.**

669 (1) A person applying for a cannabis production ~~[facility]~~ establishment license or  
 670 license renewal shall submit to the department for the department's review a proposed  
 671 ~~[operation]~~ operating plan that complies with this section and that includes:

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

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

675 (i) each officer, director, ~~[or]~~ and owner of the proposed cannabis production  
 676 establishment; and

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

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

679 (d) a security plan;

680 (e) a description of the cannabis production establishment's inventory control system,  
681 including a ~~[plan to make]~~ description of how the inventory control system is compatible with  
682 the state electronic verification system described in Section 26-61a-103;

683 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a  
684 manner that is sanitary and preserves the integrity of the cannabis;

685 ~~[(f)]~~ (g) for a cannabis cultivation facility, the information described in Subsection (2);

686 ~~[(g)]~~ (h) for a cannabis processing facility, the information described in Subsection (3);

687 and

688 ~~[(h)]~~ (i) for an independent cannabis testing laboratory, the information described in  
689 Subsection (4).

690 (2) (a) A cannabis cultivation facility shall ensure that the facility's operating plan  
691 ~~[shall include the cannabis cultivation]~~ includes the facility's intended;

692 (i) cannabis cultivation practices, including the ~~[cannabis cultivation]~~ facility's  
693 intended pesticide use[;] and fertilizer use[;]; and

694 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation[;] and  
695 anticipated cannabis yield.

696 (b) Except as provided in Subsection (2)(c) or (d):

697 (i) a cannabis cultivation facility that cultivates cannabis indoors may not use more  
698 than 100,000 square feet for cultivation; and

699 (ii) a cannabis cultivation facility that cultivates cannabis outdoors may not use more  
700 than four acres for cultivation.

701 (c) (i) Each licensee may annually apply to the department for authorization to exceed  
702 the cannabis cultivation facility's current cultivation size limitation by up to 20%.

703 (ii) The department may, after conducting a review as described in Subsection  
704 4-41a-205(2)(a), grant the authorization described in Subsection (2)(c)(i).

705 (d) If a licensee describes an intended acreage or square footage under cultivation  
706 under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b):

707 (i) the licensee may not cultivate more than the licensee's identified intended acreage or  
708 square footage under cultivation; and

709 (ii) notwithstanding Subsection (2)(b), the department may allocate the remaining

710 difference in acreage or square footage under cultivation to another licensee.

711 (3) A cannabis processing facility's operating plan shall include the [~~cannabis~~  
712 ~~processing~~] facility's intended cannabis processing practices, including the cannabis processing  
713 facility's intended [~~offered variety of cannabis product, cannabinoid extraction method,~~  
714 ~~cannabinoid extraction equipment, processing equipment, processing techniques, and sanitation~~  
715 ~~and food safety procedures.~~];

716 (a) offered variety of cannabis product;

717 (b) cannabinoid extraction method;

718 (c) cannabinoid extraction equipment;

719 (d) processing equipment;

720 (e) processing techniques; and

721 (f) sanitation and manufacturing safety procedures for items for human consumption.

722 (4) An independent cannabis testing laboratory's operating plan shall include the  
723 [~~independent cannabis testing~~] laboratory's intended;

724 (a) cannabis and cannabis product testing capability [~~and~~];

725 (b) cannabis and cannabis product testing equipment[~~;~~]; and

726 (c) testing methods, standards, practices, and procedures for testing cannabis and  
727 cannabis products.

728 Section 12. Section ~~4-41a-205~~, which is renumbered from Section 4-41B-204 is  
729 renumbered and amended to read:

730 ~~[4-41B-204].~~ **4-41a-205. Number of licenses -- Cannabis cultivation**  
731 **facilities.**

732 (1) Except as [~~otherwise~~] provided in Subsection [~~(2)~~] (2)(a), the department may not  
733 issue [~~not~~] more than [~~15~~] 10 licenses to operate a cannabis cultivation [~~facilities~~] facility.

734 (2) (a) [~~After January 1, 2022, the~~] The department may issue [~~additional~~] up to five  
735 licenses to operate a cannabis cultivation [~~facilities~~] facility in addition to the 10 licenses  
736 described in Subsection (1) if the department determines, in consultation with the Department  
737 of Health and after an annual or more frequent analysis of the current and anticipated market  
738 for [~~medical~~] cannabis in a medicinal dosage form and [~~medical~~] cannabis products in a  
739 medicinal dosage form, that each additional [~~licenses are needed~~] license is necessary to  
740 provide an adequate supply, quality, or variety of [~~medical~~] cannabis in a medicinal dosage



741 form and ~~[medical]~~ cannabis products in a medicinal dosage form to medical cannabis ~~[card~~  
742 ~~holders in Utah]~~ cardholders.

743 (b) If the recipient of one of the initial 10 licenses described in Subsection (1) ceases  
744 operations or otherwise abandons the license, the department may but is not required to grant  
745 the vacant license to another applicant based on an analysis as described in Subsection (2)(a).

746 (3) If there are more qualified applicants than ~~[there are]~~ the number of available  
747 licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall  
748 evaluate the applicants and award the limited number of licenses described in Subsections (1)  
749 and (2) to the applicants that best demonstrate:

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

751 (i) complying with a regulatory environment[;];

752 (ii) tracking inventory[;]; and

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

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

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

757 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a  
758 medicinal dosage form or cannabis products ~~[for patients]~~ in a medicinal dosage form.

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

761 Section 13. Section **4-41a-301**, which is renumbered from Section 4-41B-301 is  
762 renumbered and amended to read:

763 **Part 3. Cannabis Production Establishments Agents.**

764 ~~[4-41B-301].~~ **4-41a-301. Cannabis production establishment agent --**  
765 **Registration.**

766 (1) An individual may not act as a cannabis production establishment agent unless the  
767 department registers the individual ~~[is registered by the department]~~ as a cannabis production  
768 establishment agent.

769 (2) ~~[A physician]~~ The following individuals, regardless of the individual's status as a  
770 qualified medical provider, may not serve as a cannabis production establishment agent~~[;]~~, have  
771 a financial or voting interest of 2% or greater in a cannabis production establishment, or have

772 the power to direct or cause the management or control of a cannabis production establishment:

773 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title

774 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

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

776 (3) An independent cannabis testing laboratory agent may not act as an agent for a  
777 medical cannabis [dispensary] pharmacy, the state central fill medical cannabis pharmacy, a  
778 cannabis processing facility, or a cannabis cultivation facility.

779 (4) (a) The department shall, within 15 business days after [receiving] the day on which  
780 the department receives a complete application from a cannabis production establishment on  
781 behalf of a prospective cannabis production establishment agent, register and issue a cannabis  
782 production establishment agent registration card to [an individual who] the prospective agent if  
783 the cannabis production establishment:

784 [(a)] (i) provides to the department:

785 (A) the [individual's] prospective agent's name and address [and];

786 (B) the name and location of a licensed cannabis production establishment where the  
787 [individual] prospective agent will act as the cannabis production establishment's agent; [and]

788 (C) a fingerprint card in a form acceptable to the department for the prospective agent;

789 and

790 (D) the prospective agent's consent to a fingerprint background check by the Utah  
791 Bureau of Criminal Identification and the Federal Bureau of Investigation, including  
792 registration in the FBI Rap Back System, as that term is defined in Section 53-10-108; and

793 [(b)] (ii) pays a fee to the department[;] in an amount [determined by] that, subject to  
794 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504[; that is  
795 necessary to cover the department's cost to implement this part].

796 (b) The department shall request that the Department of Public Safety complete a  
797 Federal Bureau of Investigation criminal background check under Section 53-10-117 for each  
798 prospective agent described in Subsection (4)(a).

799 (c) The department shall notify the Department of Public Safety of each individual that  
800 the department registers as a cannabis production establishment agent.

801 (5) The department shall designate, on an individual's cannabis production  
802 establishment agent registration card:

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

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

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

808 (a) a certification standard [developed by] that the department develops; or

809 (b) [with a third party] a third-party certification standard [designated by] that the  
810 department designates by rule [made], in accordance with Title 63G, Chapter 3, Utah  
811 Administrative Rulemaking Act.

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

813 (6) [shall include] includes training:

814 (a) in Utah medical cannabis law;

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

816 (c) for a cannabis processing facility agent, in cannabis processing, ~~[food]~~  
817 manufacturing safety procedures for items for human consumption, and sanitation best  
818 practices; and

819 (d) for an independent cannabis testing laboratory agent, in cannabis testing best  
820 practices.

821 ~~(8) [The department may revoke or refuse to issue the]~~ For an individual who holds or  
822 applies for a cannabis production establishment agent registration card [of an individual who]:

823 (a) the department may revoke or refuse to issue the card if the individual violates the  
824 requirements of this chapter; ~~[or] and~~

825 (b) the department shall revoke or refuse to issue the card if the individual is convicted  
826 ~~[of an offense that is a felony]~~ under state or federal law of:

827 (i) a felony; or

828 (ii) after the effective date of this bill, a misdemeanor for drug distribution .

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

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

833 (i) is eligible for a cannabis production establishment registration card under this

834 section;

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

836 Subsection (4)(a) is accurate or updates the information; and

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

838 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section

839 63J-1-504; and

840 (B) may not exceed the cost of the relatively lower administrative burden of renewal in

841 comparison to the original application process.

842 Section 14. Section **4-41a-302**, which is renumbered from Section 4-41B-303 is

843 renumbered and amended to read:

844 **[4-41B-303]. 4-41a-302. Cannabis production establishment agent**

845 **registration card -- Rebuttable presumption.**

846 (1) A cannabis production establishment agent ~~[who is registered with]~~ whom the  
847 department registers under Section ~~[4-41B-303]~~ 4-41a-301 shall carry the individual's cannabis

848 production establishment agent registration card with the ~~[individual]~~ agent at all times when:

849 (a) the ~~[individual]~~ agent is on the premises of a cannabis production establishment

850 where the ~~[individual]~~ agent is ~~[a cannabis production establishment agent]~~ registered; ~~[and]~~

851 (b) the ~~[individual]~~ agent is transporting cannabis in a medicinal dosage form, a

852 cannabis product in a medicinal dosage form, or a medical cannabis device between:

853 (i) two cannabis production establishments; or ~~[between]~~

854 (ii) a cannabis production establishment and;

855 (A) a medical cannabis ~~[dispensary]~~ pharmacy; or

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

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

858 facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an

859 independent cannabis testing laboratory.

860 (2) If ~~[an individual]~~ a cannabis processing facility agent possesses cannabis in a

861 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis

862 device and produces the registration card in the agent's possession in compliance with

863 Subsection (1) while handling, at a cannabis production establishment, or transporting the

864 cannabis, [a] cannabis product, or [a] medical cannabis device [at a cannabis production

865 ~~establishment, or transporting cannabis, a cannabis product, or a medical cannabis device,~~  
 866 ~~possesses the cannabis, cannabis product, or medical cannabis device]~~ in compliance with  
 867 Subsection (1):

868 (a) there is a rebuttable presumption that the [~~individual~~] agent possesses the cannabis,  
 869 cannabis product, or medical cannabis device legally; and

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

873 (3) (a) [~~An individual~~] A cannabis production establishment agent who [~~violates~~] fails  
 874 to carry the agent's cannabis production establishment agent registration card in accordance  
 875 with Subsection (1) is:

876 (i) for a first or second offense in a two-year period:

877 [~~(a)~~] (A) guilty of an infraction; and

878 [~~(b)~~] (B) [~~is~~] subject to a \$100 fine[-]; or

879 (ii) for a third or subsequent offense in a two-year period:

880 (A) guilty of a class C misdemeanor; and

881 (B) subject to a \$750 fine.

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

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

888 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not  
 889 guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
 890 underlying the violation described in Subsection (3)(a).

891 Section 15. Section ~~4-41a-401~~, which is renumbered from Section 4-41B-401 is  
 892 renumbered and amended to read:

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

894 [~~4-41B-401~~]. **4-41a-401. Cannabis production establishment -- General**  
 895 **operating requirements.**

896 (1) (a) A cannabis production establishment shall operate in accordance with the  
897 operating plan [~~provided to the department under Section 4-41b-203~~] described in Sections  
898 4-41a-201 and 4-41a-204.

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

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

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

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

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

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

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

913 (2) A cannabis production establishment shall operate:

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

917 (b) at the physical address provided to the department under Section [~~4-41b-201~~]  
918 4-41a-201.

919 (3) A cannabis production establishment may not employ [~~any person~~] an individual  
920 who;

921 (a) is younger than 21 years [~~of age~~] old; and

922 (b) has been convicted under state or federal law of:

923 (i) a felony; or

924 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

925 (4) A cannabis production establishment [~~shall conduct a background check into the~~  
926 ~~criminal history of every person who will become an agent of the cannabis production~~

927 ~~establishment and]~~ may not employ ~~[any person]~~ an individual who has been convicted of ~~[an~~  
928 ~~offense that is]~~ a felony under ~~[either]~~ state or federal law.

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

932 (a) tracks and monitors the individual at all times while the individual is at the  
933 cannabis production establishment; and

934 (b) maintains a record of the individual's access, including arrival and departure.

935 (6) A cannabis production establishment shall operate in a facility that has:

936 (a) a single, secure public entrance;

937 (b) a security system with a backup power source that:

938 (i) detects and records entry into the cannabis production establishment; and

939 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis  
940 production establishment is closed; and

941 (c) a lock or equivalent restrictive security feature on any area where the cannabis  
942 production establishment stores cannabis or a cannabis product.

943 Section 16. Section ~~4-41a-402~~, which is renumbered from Section 4-41B-402 is  
944 renumbered and amended to read:

945 ~~[4-41B-402].~~ **4-41a-402. Inspections.**

946 (1) The department may inspect the records and facility of a cannabis production  
947 establishment at any time ~~[in order]~~ during business hours to determine if the cannabis  
948 production establishment complies with ~~[the requirements of]~~ this chapter.

949 (2) (a) An inspection under this section may include:

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

952 (ii) questioning of any relevant individual;

953 (iii) observation of an independent cannabis testing laboratory's methods, standards,  
954 practices, and procedures;

955 (iv) the taking of a specimen of cannabis or cannabis products sufficient for testing  
956 purposes; or

957 (v) inspection of equipment, an instrument, a tool, or machinery, including a container

958 or label.

959 (b) Notwithstanding Section 4-41a-404, a department employee may possess and  
 960 transport a specimen of cannabis or cannabis products for testing described in Subsection  
 961 (2)(a).

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

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

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

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

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

974 Section 17. Section **4-41a-403**, which is renumbered from Section 4-41B-403 is  
 975 renumbered and amended to read:

976 ~~[4-41B-403].~~ **4-41a-403. Advertising.**

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

979 (2) Notwithstanding Subsection (1), a cannabis production establishment may advertise  
 980 an employment [opportunities] opportunity at the cannabis production facility.

981 Section 18. Section **4-41a-404**, which is renumbered from Section 4-41B-404 is  
 982 renumbered and amended to read:

983 ~~[4-41B-404].~~ **4-41a-404. Cannabis, cannabis product, or medical cannabis**  
 984 **device transportation.**

985 (1) ~~[Except for an individual with a valid medical cannabis card pursuant to Title 26;~~  
 986 ~~Chapter 60b, Medical Cannabis Act, an individual]~~

987 (a) Only the following individuals may [not] transport cannabis in a medicinal dosage  
 988 form, a cannabis product in a medicinal dosage form, or a medical cannabis device [unless the



989 individual is] under this chapter:

990 [(a)] (i) a registered cannabis production establishment agent; or

991 [(b)] (ii) [a registered cannabis dispensary agent.] a medical cannabis cardholder who is  
 992 transporting a medical cannabis treatment that the cardholder is authorized to possess under  
 993 this chapter.

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

997 (2) Except for an individual with a valid medical cannabis card [~~pursuant to~~] under  
 998 Title 26, Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act, [an individual] who is transporting  
 999 [cannabis, a cannabis product, or] a medical cannabis [device] treatment shall possess a  
 1000 transportation manifest that:

1001 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
 1002 cannabis device to a relevant inventory control system;

1003 (b) includes origin and destination information for any cannabis, cannabis product, or  
 1004 medical cannabis device that the individual is transporting; and

1005 (c) [~~indicates~~] identifies the departure and arrival times and locations of the individual  
 1006 transporting the cannabis, cannabis product, or medical cannabis device.

1007 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
 1008 establish[;] by rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah Administrative  
 1009 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a  
 1010 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that [~~are~~  
 1011 ~~related to safety for human~~] the cannabis [~~or~~], cannabis product [~~consumption~~], or medical  
 1012 cannabis device remains safe for human consumption.

1013 (b) The transportation described in Subsection (3)(a) is limited to transportation:

1014 (i) between a cannabis cultivation facility and:

1015 (A) another cannabis cultivation facility; or

1016 (B) a cannabis processing facility; and

1017 (ii) between a cannabis processing facility and:

1018 (A) another cannabis processing facility;

1019 (B) an independent cannabis testing laboratory; or

1020 (C) a medical cannabis pharmacy.

1021 (4) (a) ~~[An individual who transports cannabis, a cannabis product, or a medical~~  
1022 ~~cannabis device]~~ It is unlawful for a registered cannabis production establishment agent to  
1023 make a transport described in this section with a manifest that does not meet the requirements  
1024 of this section [is].

1025 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:  
1026 ~~[(a)]~~ (i) guilty of an infraction; and  
1027 ~~[(b)]~~ (ii) subject to a \$100 fine.

1028 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not  
1029 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1030 underlying the violation described in Subsection (4)(b).

1031 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis  
1032 product, or medical cannabis devices than the manifest identifies, except for a de minimis  
1033 administrative error:

1034 (i) the penalty described in Subsection (4)(b) does not apply; and

1035 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled  
1036 Substances Act.

1037 (5) Nothing in this section prevents the department from taking administrative  
1038 enforcement action against a cannabis production establishment or another person for failing to  
1039 make a transport in compliance with the requirements of this section.

1040 Section 19. Section ~~4-41a-405~~ is enacted to read:

1041 **4-41a-405. Excess and disposal.**

1042 (1) As used in this section, "medical cannabis waste" means waste and unused material  
1043 from the cultivation and production of medical cannabis.

1044 (2) A cannabis production establishment shall:

1045 (a) render medical cannabis waste unusable and unrecognizable before transporting the  
1046 medical cannabis waste from the cannabis production establishment; and

1047 (b) dispose of medical cannabis waste in accordance with:

1048 (i) federal and state laws, rules, and regulations related to hazardous waste;

1049 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1050 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1051 (iv) other regulations that the department makes in accordance with Title 63G, Chapter  
 1052 3, Utah Administrative Rulemaking Act.

1053 (3) An individual may not transport or dispose of medical cannabis waste other than as  
 1054 provided in this section.

1055 Section 20. Section ~~4-41a-406~~, which is renumbered from Section 4-41B-405 is  
 1056 renumbered and amended to read:

1057 ~~[4-41B-405].~~ **4-41a-406. Local control.**

1058 (1) ~~[A municipality or county may not enact a zoning ordinance that prohibits a~~  
 1059 ~~cannabis production establishment from operating in a location within the municipality's or~~  
 1060 ~~county's jurisdiction on the sole basis that the cannabis production establishment possesses,~~  
 1061 ~~grows, manufactures, or sells cannabis.]~~

1062 (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the  
 1063 municipality or county shall ensure that the ordinances allow for cannabis production  
 1064 establishments in at least one type of industrial zone.

1065 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone,  
 1066 the municipality or county shall ensure that the ordinances allow for cannabis production  
 1067 establishments in at least one type of agricultural zone.

1068 (2) A municipality or county may not deny or revoke a permit or license to operate a  
 1069 cannabis production facility on the sole basis that the applicant or cannabis production  
 1070 establishment violates ~~[a]~~ federal law ~~[of]~~ regarding the ~~[United States]~~ legal status of  
 1071 cannabis.

1072 Section 21. Section ~~4-41a-501~~, which is renumbered from Section 4-41B-501 is  
 1073 renumbered and amended to read:

1074 **Part 5. Cannabis Cultivation Facility Operating Requirements.**

1075 ~~[4-41B-501].~~ **4-41a-501. Cannabis cultivation facility -- Operating**  
 1076 **requirements.**

1077 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the  
 1078 cannabis cultivation facility is not visible ~~[at]~~ from the cannabis cultivation facility perimeter.

1079 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the  
 1080 cannabis cultivation facility's inventory control system ~~[for]~~ to identify:

1081 (a) beginning at the time a cannabis plant is ~~[8]~~ eight inches tall and has a root ball,

- 1082 each cannabis plant;
- 1083 (b) each unique harvest of cannabis plants;
- 1084 (c) each batch of cannabis [~~transferred~~] the facility transfers to a medical cannabis  
 1085 [dispensary] pharmacy, the state central fill medical cannabis pharmacy, a cannabis processing  
 1086 facility, or an independent cannabis testing laboratory; and
- 1087 (d) [~~disposal of~~] any excess, contaminated, or deteriorated cannabis that the cannabis  
 1088 cultivation facility disposes.

1089 Section 22. Section **4-41a-502**, which is renumbered from Section 4-41B-502 is  
 1090 renumbered and amended to read:

1091 ~~[4-41B-502].~~ **4-41a-502. Cannabis -- Labeling and child-resistant**  
 1092 **packaging.**

1093 For any cannabis that a cannabis cultivation facility cultivates or otherwise produces  
 1094 and subsequently ships to another cannabis production establishment, the facility shall:

1095 (1) [~~Cannabis shall have a~~] label the cannabis with a label that[:-(a)] has a unique batch  
 1096 identification number that is connected to the inventory control system; and [~~(b) does not~~  
 1097 ~~display images, words, or phrases that are intended to appeal to children.~~] (2) ~~A cannabis~~  
 1098 ~~cultivation facility shall]~~

1099 (2) package the cannabis in a container that is:

1100 (a) [~~is~~] tamper evident; and

1101 (b) [~~is~~] not appealing to children. [~~or similar to a candy container;~~]

1102 [~~(c) is opaque; and~~]

1103 [~~(d) complies with child-resistant effectiveness standards established by the United~~  
 1104 ~~States Consumer Product Safety Commission.~~]

1105 Section 23. Section **4-41a-601**, which is renumbered from Section 4-41B-601 is  
 1106 renumbered and amended to read:

1107 **Part 6. Cannabis Processing Facility Operating Requirements.**

1108 ~~[4-41B-601].~~ **4-41a-601. Cannabis processing facility -- Operating**  
 1109 **requirements -- General.**

1110 [(1)] A cannabis processing facility shall ensure that a cannabis product [~~sold by~~] the  
 1111 cannabis processing facility sells complies with the requirements of this part.

1112 [(2)] ~~If a cannabis processing facility extracts cannabinoids from cannabis using a~~

1113 ~~hydrocarbon process, the cannabis processing facility shall extract the cannabinoids under a~~  
1114 ~~blast hood and shall use a system to reclaim solvents.]~~

1115 Section 24. Section ~~4-41a-602~~, which is renumbered from Section 4-41B-602 is  
1116 renumbered and amended to read:

1117 ~~[4-41B-602].~~ **4-41a-602. Cannabis product -- Labeling and child-resistant**  
1118 **packaging.**

1119 (1) ~~[A]~~ For any cannabis product that a cannabis processing facility processes or  
1120 produces, the facility shall [have a]:

1121 (a) label the cannabis product with a label that:

1122 ~~[(a)]~~ (i) clearly and unambiguously states that the cannabis product contains cannabis;

1123 ~~[(b)]~~ (ii) clearly displays the amount of total composite tetrahydrocannabinol and  
1124 cannabidiol in the cannabis product;

1125 ~~[(c)]~~ (iii) has a unique identification number that:

1126 ~~[(+)]~~ (A) is connected to the inventory control system; and

1127 ~~[(+)]~~ (B) identifies the unique cannabis product manufacturing process [by which] the  
1128 cannabis processing facility used to manufacture the cannabis product [was manufactured];

1129 ~~[(d)]~~ (iv) identifies the cannabinoid extraction process that the cannabis processing  
1130 facility used to create the cannabis product;

1131 ~~[(e)]~~ (v) does not display [~~images, words, or phrases~~] an image, word, or phrase that  
1132 [are intended to appeal] the facility knows or should know appeals to children; and

1133 ~~[(f)]~~ (vi) discloses [~~ingredients~~] each active or potentially active ingredient, in order of  
1134 prominence, and possible [~~allergens~~] allergen; and

1135 ~~[(2)]~~ (b) [A cannabis processing facility shall] package [a] the cannabis product in a  
1136 medicinal dosage form in a container that:

1137 ~~[(a)]~~ (i) except for a blister pack, is tamper evident and tamper resistant;

1138 ~~[(b)]~~ (ii) does not appeal to children;

1139 (iii) is not [~~appealing to children or~~] similar to a candy container;

1140 ~~[(c)]~~ (iv) except for a blister pack, is opaque; [and]

1141 ~~[(d)]~~ (v) complies with child-resistant effectiveness standards [~~established by~~] that the  
1142 United States Consumer Product Safety Commission[-] establishes; and

1143 (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating

1144 effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP  
 1145 OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed  
 1146 by a qualified medical provider."

1147 (2) For any cannabis or cannabis product that the cannabis processing facility processes  
 1148 into a gelatin-based cube, the facility shall:

1149 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or  
 1150 other image of the content of the container; and

1151 (b) include on the label described in Subsection (1)(a) a warning about the risks of  
 1152 over-consumption.

1153 (3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
 1154 Administrative Rulemaking Act, establishing a standard labeling format that:

1155 (a) complies with the requirements of this section; and

1156 (b) ensures inclusion of a pharmacy label.

1157 Section 25. Section **4-41a-603**, which is renumbered from Section 4-41B-603 is  
 1158 renumbered and amended to read:

1159 ~~[4-41B-603].~~ **4-41a-603. Cannabis product -- Product quality.**

1160 (1) A cannabis processing facility may not produce a cannabis product in a physical  
 1161 form that:

1162 (a) ~~[is intended to appeal]~~ the facility knows or should know appeals to children; ~~[or]~~

1163 (b) is designed to mimic or could be mistaken for ~~[an existing]~~ a candy product; ~~or~~

1164 (c) for a product used in vaporization, includes a candy-like flavor or another flavor  
 1165 that the facility knows or should know appeals to children.

1166 ~~[(2) A cannabis processing facility may not manufacture a cannabis product by~~  
 1167 ~~applying a cannabis agent only to the surface of a pre-manufactured food product that is not~~  
 1168 ~~produced by the cannabis processing facility.]~~

1169 ~~[(3)]~~ (2) A cannabis product may vary in the cannabis product's labeled ~~[cannabis]~~  
 1170 cannabinoid profile by up to ~~[+5%]~~ 10% of the indicated amount of a given cannabinoid, by  
 1171 weight.

1172 ~~[(4)]~~ (3) The department shall adopt~~;~~ by rule ~~[made]~~, in accordance with Title 63G,  
 1173 Chapter 3, Utah Administrative Rulemaking Act, human safety standards for ~~[manufacture]~~ the  
 1174 manufacturing of cannabis products that are consistent~~[-, to the extent possible;]~~ with ~~[rules for~~

1175 ~~similar products that do not contain]~~ best practices for the use of cannabis.

1176 Section 26. Section ~~4-41a-701~~, which is renumbered from Section 4-41B-701 is  
1177 renumbered and amended to read:

1178 **Part 7. Independent Cannabis Testing Laboratories.**

1179 ~~[4-41B-701].~~ **4-41a-701. Cannabis and cannabis product testing.**

1180 (1) ~~[No]~~ A medical cannabis pharmacy and the state central fill medical cannabis  
1181 pharmacy may not offer any cannabis or cannabis product [may be offered] for sale [at a  
1182 cannabis dispensary] unless an independent cannabis testing laboratory has tested a  
1183 representative sample of the cannabis or cannabis product [has been tested by an independent  
1184 cannabis testing laboratory] to determine:

1185 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the  
1186 cannabis or cannabis product; and

1187 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the  
1188 label claims the cannabis or cannabis product contains;

1189 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial  
1190 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for  
1191 human consumption; and

1192 (c) for a cannabis product that is manufactured using a process that involves extraction  
1193 using hydrocarbons, that the cannabis product does not contain [an unhealthy] a level of a  
1194 residual solvent that is not safe for human consumption.

1195 (2) ~~[The department may determine, by]~~ By rule [made], in accordance with Title 63G,  
1196 Chapter 3, Utah Administrative Rulemaking Act, the department:

1197 (i) may determine the amount of [a] any substance described in [Subsection (1)]  
1198 Subsections (1)(b) and (c) that is safe for human consumption[-]; and

1199 (ii) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis  
1200 production establishment.

1201 (3) The department may require testing for a toxin if:

1202 (a) the department receives information indicating the potential presence of a toxin; or

1203 (b) the department's inspector has reason to believe a toxin may be present based on the  
1204 inspection of a facility.

1205 (4) The department shall establish by rule, in accordance with Title 63G, Chapter 3,

1206 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the  
 1207 testing of cannabis and cannabis products by independent cannabis testing laboratories.

1208 (5) The department may require an independent cannabis testing laboratory to  
 1209 participate in a proficiency evaluation that the department conducts or that an organization that  
 1210 the department approves conducts.

1211 Section 27. Section **4-41a-702**, which is renumbered from Section 4-41B-702 is  
 1212 renumbered and amended to read:

1213 **[4-41B-702]. 4-41a-702. Reporting -- Inspections -- Seizure by the**  
 1214 **department.**

1215 (1) If an independent cannabis testing laboratory determines that the results of a lab test  
 1216 indicate that a cannabis or cannabis product batch may be unsafe for human ~~consumption, the~~  
 1217 ~~independent cannabis testing laboratory shall] use:~~

1218 (a) the independent cannabis testing laboratory shall:

1219 ~~[(a)] (i)~~ report the results and the cannabis or cannabis product batch to:

1220 ~~[(+)] (A)~~ the department; and

1221 ~~[(+)] (B)~~ the cannabis production establishment that prepared the cannabis or cannabis  
 1222 product batch; and

1223 ~~[(b)] (ii)~~ retain possession of the cannabis or cannabis product batch for ~~[one week]~~  
 1224 two weeks in order to investigate the cause of the defective batch and to make a determination;  
 1225 and

1226 ~~[(c)] (b)~~ ~~[allow]~~ the cannabis production establishment that prepared the cannabis or  
 1227 cannabis product batch ~~[to]~~ may appeal the determination described in Subsection ~~[(+)](b)]~~  
 1228 (1)(a)(ii) to the department.

1229 (2) If ~~[, under Subsection (1)(b);]~~ the department determines, under Subsection (1)(a)(ii)  
 1230 or following an appeal under Subsection (1)(b), that a cannabis or cannabis product prepared  
 1231 by a cannabis production establishment is unsafe for human consumption, the department may  
 1232 seize, embargo, or destroy the cannabis or cannabis product batch.

1233 (3) If an independent cannabis testing laboratory determines that the results of a lab test  
 1234 indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more  
 1235 than 10% from the amounts the label indicates, the cannabis processing facility may not sell the  
 1236 cannabis or cannabis product batch unless the facility replaces the incorrect label with a label



1237 that correctly indicates the cannabinoid content.

1238 Section 28. Section **4-41a-801**, which is renumbered from Section 4-41B-801 is  
1239 renumbered and amended to read:

1240 ~~[4-41B-801].~~ **4-41a-801. Enforcement -- Fine -- Citation.**

1241 (1) ~~[The department may, for a violation of this chapter by]~~ If a person that is a  
1242 cannabis production establishment or a cannabis production establishment agent violates this  
1243 chapter, the department may:

1244 (a) revoke the person's license or cannabis production establishment agent registration  
1245 card;

1246 (b) ~~[refuse]~~ decline to renew the person's license or cannabis production establishment  
1247 agent registration card; or

1248 (c) assess the person an administrative penalty that the department establishes by rule  
1249 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1250 (2) The department shall deposit an administrative penalty imposed under this section  
1251 ~~[in the general fund]~~ into the General Fund.

1252 (3) (a) The department may take an action described in Subsection (3)(b) if the  
1253 department concludes, upon ~~[inspection or]~~ investigation, that, for a person that is a cannabis  
1254 production establishment or a cannabis production establishment agent:

1255 (i) the person has violated the provisions of this chapter, a rule made under this  
1256 chapter, or an order issued under this chapter; or

1257 (ii) the person produced cannabis or a cannabis product batch that contains a substance,  
1258 other than cannabis, that poses a significant threat to human health.

1259 (b) If the department makes the determination about a person described in Subsection  
1260 (3)(a), the department shall:

1261 (i) issue the person a written administrative citation;

1262 (ii) attempt to negotiate a stipulated settlement;

1263 (iii) seize, embargo, or destroy the cannabis or cannabis product batch; ~~[and]~~ or

1264 (iv) direct the person to appear before an adjudicative proceeding conducted under  
1265 Title 63G, Chapter 4, Administrative Procedures Act.

1266 (4) The department may, for a person subject to an uncontested citation, a stipulated  
1267 settlement, or a finding of a violation in an adjudicative proceeding under this section:

1268 (a) for a fine amount not already specified in law, assess the person, who is not an  
1269 individual, a fine~~[, established in accordance with Section 63J-1-504,]~~ of up to \$5,000 per  
1270 violation, in accordance with a fine schedule ~~[established by]~~ that the department establishes by  
1271 rule [made] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1272 (b) order the person to cease and desist from the action that creates a violation.

1273 (5) The department may not revoke a cannabis production establishment's license  
1274 without first ~~[direct]~~ directing the cannabis production establishment to appear before an  
1275 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1276 (6) If within 20 calendar days after the day on which a department serves a citation for  
1277 a violation of this chapter, the person that is the subject of the citation fails to request a hearing  
1278 to contest the citation, the citation becomes the department's final order.

1279 (7) The department may, for a person who fails to comply with a citation under this  
1280 section:

1281 (a) refuse to issue or renew the person's license or cannabis production establishment  
1282 agent registration card; or

1283 (b) suspend, revoke, or place on probation the person's license or cannabis production  
1284 establishment registration card.

1285 (8) ~~[If the department makes a final determination under this section that]~~

1286 (a) Except where a criminal penalty is expressly provided for a specific violation of  
1287 this chapter, if an individual [violated]:

1288 (i) violates a provision of this chapter, the individual is:

1289 (A) guilty of an infraction[-]; and

1290 (B) subject to a \$100 fine; or

1291 (ii) intentionally or knowingly violates a provision of this chapter or violates this  
1292 chapter three or more times, the individual is:

1293 (A) guilty of a class B misdemeanor; and

1294 (B) subject to a \$1,000 fine.

1295 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not  
1296 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1297 underlying the violation described in Subsection (8)(a).

1298 (9) Nothing in this section prohibits the department from referring potential criminal

1299 activity to law enforcement.

1300 Section 29. Section **4-41a-802**, which is renumbered from Section 4-41B-802 is  
1301 renumbered and amended to read:

1302 ~~[4-41B-802].~~ **4-41a-802. Report.**

1303 (1) ~~[The]~~ At or before the November interim meeting each year, the department shall  
1304 report ~~[annually]~~ to the Health and Human Services Interim Committee on:

1305 (a) the number of applications and renewal applications ~~[received;]~~ that the department  
1306 receives;

1307 (b) the number of each type of cannabis production facility ~~[licensed]~~ that the  
1308 department licenses in each county~~[-];~~;

1309 (c) the amount of cannabis ~~[grown by]~~ that licensees[-] grow;

1310 (d) the amount of cannabis ~~[manufactured]~~ that licensees manufacture into cannabis  
1311 products ~~[by licensees;-];~~;

1312 (e) the number of licenses ~~[revoked;]~~ the department revokes; and

1313 (f) the expenses incurred and revenues generated from the medical cannabis program.

1314 (2) The department may not include personally identifying information in the report  
1315 described in this section.

1316 Section 30. Section **7-1-401** is amended to read:

1317 **7-1-401. Fees payable to commissioner.**

1318 (1) Except for an out-of-state depository institution with a branch in Utah, a depository  
1319 institution under the jurisdiction of the department shall pay an annual fee:

1320 (a) computed by averaging the total assets of the depository institution shown on each  
1321 quarterly report of condition for the depository institution for the calendar year immediately  
1322 preceding the date on which the annual fee is due under Section 7-1-402; and

1323 (b) at the following rates:

1324 (i) on the first \$5,000,000 of these assets, the greater of:

1325 (A) 65 cents per \$1,000; or

1326 (B) \$500;

1327 (ii) on the next \$10,000,000 of these assets, 35 cents per \$1,000;

1328 (iii) on the next \$35,000,000 of these assets, 15 cents per \$1,000;

1329 (iv) on the next \$50,000,000 of these assets, 12 cents per \$1,000;

- 1330 (v) on the next \$200,000,000 of these assets, 10 cents per \$1,000;
- 1331 (vi) on the next \$300,000,000 of these assets, 6 cents per \$1,000; and
- 1332 (vii) on all amounts over \$600,000,000 of these assets, 2 cents per \$1,000.
- 1333 (2) A financial institution with a trust department shall pay a fee determined in
- 1334 accordance with Subsection (7) for each examination of the trust department by a state
- 1335 examiner.
- 1336 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall
- 1337 pay a basic fee of \$25 instead of the fee required under Subsection (1).
- 1338 (4) A trust company that is not a depository institution or a subsidiary of a depository
- 1339 institution holding company shall pay:
- 1340 (a) an annual fee of \$500; and
- 1341 (b) an additional fee determined in accordance with Subsection (7) for each
- 1342 examination by a state examiner.
- 1343 (5) Any person or institution under the jurisdiction of the department that does not pay
- 1344 a fee under Subsections (1) through (4) shall pay:
- 1345 (a) an annual fee of \$200; and
- 1346 (b) an additional fee determined in accordance with Subsection (7) for each
- 1347 examination by a state examiner.
- 1348 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,
- 1349 7-1-704, 7-1-713, 7-5-3, or 7-18a-202[~~, or 7-26-201~~] shall pay:
- 1350 (a) (i) a filing fee of \$500 if on the day on which the application or request is filed the
- 1351 person:
- 1352 (A) is a person with authority to transact business as[~~;~~(~~†~~)] a depository institution[~~;~~
- 1353 (~~†~~)] a trust company[~~;~~], or [~~(††)~~] any other person described in Section 7-1-501 as being
- 1354 subject to the jurisdiction of the department; and
- 1355 (B) has total assets in an amount less than \$5,000,000; or
- 1356 (ii) a filing fee of \$2,500 for any person not described in Subsection (6)(a)(i); and
- 1357 (b) all reasonable expenses incurred in processing the application.
- 1358 (7) (a) Per diem assessments for an examination shall be calculated at the rate of \$55
- 1359 per hour:
- 1360 (i) for each examiner; and

1361 (ii) per hour worked.

1362 (b) For an examination of a branch or office of a financial institution located outside of  
 1363 this state, in addition to the per diem assessment under this Subsection (7), the institution shall  
 1364 pay all reasonable travel, lodging, and other expenses incurred by each examiner while  
 1365 conducting the examination.

1366 (8) In addition to a fee under Subsection (5), a person registering under Section  
 1367 7-23-201 or 7-24-201 shall pay an original registration fee of \$300.

1368 (9) In addition to a fee under Subsection (5), a person applying for licensure under  
 1369 Chapter 25, Money Transmitter Act, shall pay an original license fee of \$300.

1370 Section 31. Section **10-9a-104** is amended to read:

1371 **10-9a-104. Stricter requirements.**

1372 (1) Except as provided in Subsection (2), a municipality may enact [~~an ordinance~~] a  
 1373 land use regulation imposing stricter requirements or higher standards than are required by this  
 1374 chapter.

1375 (2) A municipality may not impose [~~stricter requirements or higher standards than are~~  
 1376 ~~required by:~~]

1377 [(a) ~~Section 4-41b-405;~~]

1378 [(b) ~~Section 10-9a-305;~~]

1379 [(c) ~~Section 10-9a-514;~~ and]

1380 [(d) ~~Section 26-60b-506.~~] a requirement or standard that conflicts with a provisions of  
 1381 this chapter, other state law, or federal law.

1382 Section 32. Section **17-27a-104** is amended to read:

1383 **17-27a-104. Stricter requirements or higher standards.**

1384 (1) Except as provided in Subsection (2), a county may enact [~~an ordinance~~] a land use  
 1385 regulation imposing stricter requirements or higher standards than are required by this chapter.

1386 (2) A county may not impose [~~stricter requirements or higher standards than are~~  
 1387 ~~required by:~~]

1388 [(a) ~~Section 4-41b-405;~~]

1389 [(b) ~~Section 17-27a-305;~~]

1390 [(c) ~~Section 17-27a-513;~~ and]

1391 [(d) ~~Section 26-60b-506.~~] a requirement or standard that conflicts with a provision of

1392 this chapter, other state law, or federal law.

1393 Section 33. Section **26-36d-101** is enacted to read:

1394 **CHAPTER 36d. HOSPITAL PROVIDER ASSESSMENT ACT.**

1395 **Part 1. General Provisions.**

1396 **26-36d-101. Title.**

1397 This chapter is known as the "Hospital Provider Assessment Act."

1398 Section 34. Section **26-36d-102** is enacted to read:

1399 **26-36d-102. Legislative findings.**

1400 (1) The Legislature finds that there is an important state purpose to improve the access  
1401 of Medicaid patients to quality care in Utah hospitals because of continuous decreases in state  
1402 revenues and increases in enrollment under the Utah Medicaid program.

1403 (2) The Legislature finds that in order to improve this access to those persons described  
1404 in Subsection (1):

1405 (a) the rates paid to Utah hospitals shall be adequate to encourage and support  
1406 improved access; and

1407 (b) adequate funding shall be provided to increase the rates paid to Utah hospitals  
1408 providing services pursuant to the Utah Medicaid program.

1409 Section 35. Section **26-36d-103** is enacted to read:

1410 **26-36d-103. Definitions.**

1411 As used in this chapter:

1412 (1) "Accountable care organization" means a managed care organization, as defined in  
1413 42 C.F.R. Sec. 438, that contracts with the department under the provisions of Section  
1414 26-18-405.

1415 (2) "Assessment" means the Medicaid hospital provider assessment established by this  
1416 chapter.

1417 (3) "Discharges" means the number of total hospital discharges reported on worksheet  
1418 S-3 Part I, column 15, lines 12, 14, and 14.01 of the 2552-96 Medicare Cost Report or on  
1419 Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare Cost Report for  
1420 the applicable assessment year.

1421 (4) "Division" means the Division of Health Care Financing of the department.

1422 (5) "Hospital":

1423           (a) means a privately owned:

1424           (i) general acute hospital operating in the state as defined in Section 26-21-2; and

1425           (ii) specialty hospital operating in the state, which shall include a privately owned

1426 hospital whose inpatient admissions are predominantly:

1427           (A) rehabilitation;

1428           (B) psychiatric;

1429           (C) chemical dependency; or

1430           (D) long-term acute care services; and

1431           (b) does not include:

1432           (i) a human services program, as defined in Section 62A-2-101;

1433           (ii) a hospital owned by the federal government, including the Veterans Administration

1434 Hospital; or

1435           (iii) a hospital that is owned by the state government, a state agency, or a political

1436 subdivision of the state, including:

1437           (A) a state-owned teaching hospital; and

1438           (B) the Utah State Hospital.

1439           (6) "Medicare cost report" means CMS-2552-96 or CMS-2552-10, the cost report for

1440 electronic filing of hospitals.

1441           (7) "State plan amendment" means a change or update to the state Medicaid plan.

1442           Section 36. Section **26-36d-201** is enacted to read:

1443   **Part 2. Application of Chapter.**

1444   **26-36d-201. Application of chapter.**

1445           (1) Other than for the imposition of the assessment described in this chapter, nothing in

1446 this chapter shall affect the nonprofit or tax exempt status of any nonprofit charitable, religious,

1447 or educational health care provider under:

1448           (a) Section 501(c), as amended, of the Internal Revenue Code;

1449           (b) other applicable federal law;

1450           (c) any state law;

1451           (d) any ad valorem property taxes;

1452           (e) any sales or use taxes; or

1453           (f) any other taxes, fees, or assessments, whether imposed or sought to be imposed by

1454 the state or any political subdivision, county, municipality, district, authority, or any agency or  
1455 department thereof.

1456 (2) All assessments paid under this chapter may be included as an allowable cost of a  
1457 hospital for purposes of any applicable Medicaid reimbursement formula.

1458 (3) This chapter does not authorize a political subdivision of the state to:

1459 (a) license a hospital for revenue;

1460 (b) impose a tax or assessment upon hospitals; or

1461 (c) impose a tax or assessment measured by the income or earnings of a hospital.

1462 Section 37. Section **26-36d-202** is enacted to read:

1463 **26-36d-202. Assessment, collection, and payment of hospital provider assessment.**

1464 (1) A uniform, broad based, assessment is imposed on each hospital as defined in

1465 Subsection 26-36d-103(5)(a):

1466 (a) in the amount designated in Section 26-36d-203; and

1467 (b) in accordance with Section 26-36d-204.

1468 (2) (a) The assessment imposed by this chapter is due and payable on a quarterly basis  
1469 in accordance with Section 26-36d-204.

1470 (b) The collecting agent for this assessment is the department which is vested with the  
1471 administration and enforcement of this chapter, including the right to adopt administrative rules  
1472 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to:

1473 (i) implement and enforce the provisions of this act; and

1474 (ii) audit records of a facility:

1475 (A) that is subject to the assessment imposed by this chapter; and

1476 (B) does not file a Medicare cost report.

1477 (c) The department shall forward proceeds from the assessment imposed by this  
1478 chapter to the state treasurer for deposit in the expendable special revenue fund as specified in  
1479 Section 26-36d-207.

1480 (3) The department may, by rule, extend the time for paying the assessment.

1481 Section 38. Section **26-36d-203** is enacted to read:

1482 **26-36d-203. Calculation of assessment.**

1483 (1) (a) An annual assessment is payable on a quarterly basis for each hospital in an  
1484 amount calculated at a uniform assessment rate for each hospital discharge, in accordance with



1485 this section.

1486 (b) The uniform assessment rate shall be determined using the total number of hospital  
1487 discharges for assessed hospitals divided into the total non-federal portion in an amount  
1488 consistent with Section 26-36d-205 that is needed to support capitated rates for accountable  
1489 care organizations for purposes of hospital services provided to Medicaid enrollees.

1490 (c) Any quarterly changes to the uniform assessment rate shall be applied uniformly to  
1491 all assessed hospitals.

1492 (d) The annual uniform assessment rate may not generate more than:

1493 (i) \$1,000,000 to offset Medicaid mandatory expenditures; and

1494 (ii) the non-federal share to seed amounts needed to support capitated rates for  
1495 accountable care organizations as provided for in Subsection (1)(b).

1496 (2) (a) For each state fiscal year, discharges shall be determined using the data from  
1497 each hospital's Medicare Cost Report contained in the Centers for Medicare and Medicaid  
1498 Services' Healthcare Cost Report Information System file. The hospital's discharge data will be  
1499 derived as follows:

1500 (i) for state fiscal year 2013, the hospital's cost report data for the hospital's fiscal year  
1501 ending between July 1, 2009, and June 30, 2010;

1502 (ii) for state fiscal year 2014, the hospital's cost report data for the hospital's fiscal year  
1503 ending between July 1, 2010, and June 30, 2011;

1504 (iii) for state fiscal year 2015, the hospital's cost report data for the hospital's fiscal year  
1505 ending between July 1, 2011, and June 30, 2012;

1506 (iv) for state fiscal year 2016, the hospital's cost report data for the hospital's fiscal year  
1507 ending between July 1, 2012, and June 30, 2013; and

1508 (v) for each subsequent state fiscal year, the hospital's cost report data for the hospital's  
1509 fiscal year that ended in the state fiscal year two years prior to the assessment fiscal year.

1510 (b) If a hospital's fiscal year Medicare Cost Report is not contained in the Centers for  
1511 Medicare and Medicaid Services' Healthcare Cost Report Information System file:

1512 (i) the hospital shall submit to the division a copy of the hospital's Medicare Cost  
1513 Report applicable to the assessment year; and

1514 (ii) the division shall determine the hospital's discharges.

1515 (c) If a hospital is not certified by the Medicare program and is not required to file a

1516 Medicare Cost Report:

1517 (i) the hospital shall submit to the division its applicable fiscal year discharges with  
1518 supporting documentation;

1519 (ii) the division shall determine the hospital's discharges from the information  
1520 submitted under Subsection (2)(c)(i); and

1521 (iii) the failure to submit discharge information shall result in an audit of the hospital's  
1522 records and a penalty equal to 5% of the calculated assessment.

1523 (3) Except as provided in Subsection (4), if a hospital is owned by an organization that  
1524 owns more than one hospital in the state:

1525 (a) the assessment for each hospital shall be separately calculated by the department;  
1526 and

1527 (b) each separate hospital shall pay the assessment imposed by this chapter.

1528 (4) Notwithstanding the requirement of Subsection (3), if multiple hospitals use the  
1529 same Medicaid provider number:

1530 (a) the department shall calculate the assessment in the aggregate for the hospitals  
1531 using the same Medicaid provider number; and

1532 (b) the hospitals may pay the assessment in the aggregate.

1533 Section 39. Section **26-36d-204** is enacted to read:

1534 **26-36d-204. Quarterly notice -- Collection.**

1535 Quarterly assessments imposed by this chapter shall be paid to the division within 15  
1536 business days after the original invoice date that appears on the invoice issued by the division.

1537 Section 40. Section **26-36d-205** is enacted to read:

1538 **26-36d-205. Medicaid hospital adjustment under accountable care organization**  
1539 **rates.**

1540 To preserve and improve access to hospital services, the division shall, for accountable  
1541 care organization rates effective on or after April 1, 2013, incorporate an annualized amount  
1542 equal to \$154,000,000 into the accountable care organization rate structure calculation  
1543 consistent with the certified actuarial rate range.

1544 Section 41. Section **26-36d-206** is enacted to read:

1545 **26-36d-206. Penalties and interest.**

1546 (1) A facility that fails to pay any assessment or file a return as required under this

1547 chapter, within the time required by this chapter, shall pay, in addition to the assessment,  
1548 penalties and interest established by the department.

1549 (2) (a) Consistent with Subsection (2)(b), the department shall adopt rules in  
1550 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which establish  
1551 reasonable penalties and interest for the violations described in Subsection (1).

1552 (b) If a hospital fails to timely pay the full amount of a quarterly assessment, the  
1553 department shall add to the assessment:

1554 (i) a penalty equal to 5% of the quarterly amount not paid on or before the due date;

1555 and

1556 (ii) on the last day of each quarter after the due date until the assessed amount and the  
1557 penalty imposed under Subsection (2)(b)(i) are paid in full, an additional 5% penalty on:

1558 (A) any unpaid quarterly assessment; and

1559 (B) any unpaid penalty assessment.

1560 (c) Upon making a record of its actions, and upon reasonable cause shown, the division  
1561 may waive, reduce, or compromise any of the penalties imposed under this part.

1562 Section 42. Section **26-36d-207** is enacted to read:

1563 **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

1564 (1) There is created an expendable special revenue fund known as the "Hospital  
1565 Provider Assessment Expendable Revenue Fund."

1566 (2) The fund shall consist of:

1567 (a) the assessments collected by the department under this chapter;

1568 (b) any interest and penalties levied with the administration of this chapter; and

1569 (c) any other funds received as donations for the fund and appropriations from other  
1570 sources.

1571 (3) Money in the fund shall be used:

1572 (a) to support capitated rates consistent with Subsection 26-36d-203(1)(d) for  
1573 accountable care organizations; and

1574 (b) to reimburse money collected by the division from a hospital through a mistake  
1575 made under this chapter.

1576 Section 43. Section **26-36d-208** is enacted to read:

1577 **26-36d-208. Repeal of assessment.**

1578 (1) The repeal of the assessment imposed by this chapter shall occur upon the  
1579 certification by the executive director of the department that the sooner of the following has  
1580 occurred:

1581 (a) the effective date of any action by Congress that would disqualify the assessment  
1582 imposed by this chapter from counting toward state Medicaid funds available to be used to  
1583 determine the federal financial participation;

1584 (b) the effective date of any decision, enactment, or other determination by the  
1585 Legislature or by any court, officer, department, or agency of the state, or of the federal  
1586 government that has the effect of:

1587 (i) disqualifying the assessment from counting towards state Medicaid funds available  
1588 to be used to determine federal financial participation for Medicaid matching funds; or

1589 (ii) creating for any reason a failure of the state to use the assessments for the Medicaid  
1590 program as described in this chapter;

1591 (c) the effective date of:

1592 (i) an appropriation for any state fiscal year from the General Fund for hospital  
1593 payments under the state Medicaid program that is less than the amount appropriated for state  
1594 fiscal year 2012;

1595 (ii) the annual revenues of the state General Fund budget return to the level that was  
1596 appropriated for fiscal year 2008;

1597 (iii) a division change in rules that reduces any of the following below July 1, 2011  
1598 payments:

1599 (A) aggregate hospital inpatient payments;

1600 (B) adjustment payment rates; or

1601 (C) any cost settlement protocol; or

1602 (iv) a division change in rules that reduces the aggregate outpatient payments below  
1603 July 1, 2011 payments; and

1604 (d) the sunset of this chapter in accordance with Section 63I-1-226.

1605 (2) If the assessment is repealed under Subsection (1), money in the fund that was  
1606 derived from assessments imposed by this chapter, before the determination made under  
1607 Subsection (1), shall be disbursed under Section 26-36d-205 to the extent federal matching is  
1608 not reduced due to the impermissibility of the assessments. Any funds remaining in the special

1609 revenue fund shall be refunded to the hospitals in proportion to the amount paid by each  
1610 hospital.

1611 Section 44. Section **26-61-202** is amended to read:

1612 **26-61-202. Cannabinoid Product Board -- Duties.**

1613 (1) The board shall review any available scientific research related to the human use of  
1614 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

1615 (a) was conducted under a study approved by an IRB; or

1616 (b) was conducted or approved by the federal government.

1617 (2) Based on the research described in Subsection (1), the board shall evaluate the  
1618 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,  
1619 including:

1620 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded  
1621 cannabinoid products;

1622 (b) cannabis and cannabinoid dosage amounts and medical dosage forms; [~~and~~]

1623 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products  
1624 with other treatments[-]; and

1625 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,  
1626 cannabinoid products, and expanded cannabinoid products.

1627 (3) Based on the board's evaluation under Subsection (2), the board shall develop  
1628 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid  
1629 product that include:

1630 (a) a list of medical conditions, if any, that the board determines are appropriate for  
1631 treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded  
1632 cannabinoid product[-];

1633 (b) a list of contraindications, side effects, and adverse reactions that are associated  
1634 with use of cannabis, cannabinoid products, or expanded cannabinoid products; and

1635 (c) a list of potential drug-drug interactions between medications that the United States  
1636 Food and Drug Administration has approved and cannabis, cannabinoid products, and  
1637 expanded cannabinoid products.

1638 (4) The board shall submit the guidelines described in Subsection (3) to:

1639 (a) the director of the Division of Occupational and Professional Licensing; and

1640 (b) the Health and Human Services Interim Committee.

1641 (5) The board shall report the board's findings before November 1 of each year to the  
1642 Health and Human Services Interim Committee.

1643 (6) Guidelines ~~[developed pursuant to]~~ that the board develops under this section may  
1644 not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products  
1645 permitted ~~[pursuant to]~~ under Title 4, Chapter ~~[41b]~~ 41a, Cannabis Production ~~[Establishment]~~  
1646 Establishments, or Title 26, Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act.

1647 Section 45. Section **26-61a-101**, which is renumbered from Section 26-60B-101 is  
1648 renumbered and amended to read:

1649 **CHAPTER 61a. UTAH MEDICAL CANNABIS ACT.**

1650 **Part 1. General Provisions.**

1651 ~~[26-60B-101].~~ **26-61a-101. Title.**

1652 This chapter is known as "Utah Medical Cannabis Act."

1653 Section 46. Section **26-61a-102**, which is renumbered from Section 26-60B-102 is  
1654 renumbered and amended to read:

1655 ~~[26-60B-102].~~ **26-61a-102. Definitions.**

1656 As used in this chapter:

1657 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single  
1658 dose of cannabis or a cannabis product in a blister pack.

1659 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each  
1660 containing no more than a single dose of cannabis or a cannabis product.

1661 ~~[(1)]~~ (3) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.

1662 ~~[(2)]~~ (4) "Cannabis cultivation facility" means the same as that term is defined in  
1663 Section ~~[4-41b-102]~~ 4-41a-102.

1664 ~~[(3) "Cannabis dispensary" means a person that:]~~

1665 ~~[(a) acquires or intends to acquire cannabis or a cannabis product from a cannabis  
1666 production establishment and acquires or intends to acquire a medical cannabis device;]~~

1667 ~~[(b) possesses cannabis, a cannabis product, or a medical cannabis device; and]~~

1668 ~~[(c) sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.]~~

1669 ~~[(4) "Cannabis dispensary agent" means an owner, officer, director, board member,  
1670 employee, or volunteer of a cannabis dispensary.]~~

- 1671 ~~[(5) "Cannabis dispensary agent registration card" means a registration card issued by~~  
1672 ~~the department that authorizes an individual to act as a cannabis dispensary agent.]~~
- 1673 ~~[(6) (5) "Cannabis processing facility" means the same as that term is defined in~~  
1674 ~~Section [4-41b-102] 4-41a-102.~~
- 1675 ~~[(7) (6) "Cannabis product" means [the same as that term is defined in Section~~  
1676 ~~58-37-3.6b.] a product that:~~
- 1677 ~~(a) is intended for human use; and~~
- 1678 ~~(b) contains cannabis or tetrahydrocannabinol.~~
- 1679 ~~[(8) (7) "Cannabis production establishment agent" means the same as that term is~~  
1680 ~~defined in Section [4-41b-102] 4-41a-102.~~
- 1681 ~~[(9) (8) "Cannabis production establishment agent registration card" means the same~~  
1682 ~~as that term is defined in Section [4-41b-102] 4-41a-102.~~
- 1683 ~~[(10) "Community location" means a public or private school, a church, a public~~  
1684 ~~library, a public playground, or a public park.]~~
- 1685 ~~(9) "Department" means the Department of Health.~~
- 1686 ~~[(11) (10) "Designated caregiver" means an individual:~~
- 1687 ~~(a) whom [a patient] an individual with a medical cannabis patient card or a medical~~  
1688 ~~cannabis guardian card designates as the patient's caregiver; and~~
- 1689 ~~(b) who registers with the department under Section [26-60b-202] 26-61a-202.~~
- 1690 ~~(11) "Dosing parameters" means quantity, routes, and frequency of administration for a~~  
1691 ~~recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a~~  
1692 ~~medicinal dosage form.~~
- 1693 ~~(12) "Independent cannabis testing laboratory" means the same as that term is defined~~  
1694 ~~in Section [4-41b-102] 4-41a-102.~~
- 1695 ~~(13) "Inventory control system" means the system described in Section [4-41b-103]~~  
1696 ~~4-41a-103.~~
- 1697 ~~(14) "Local health department" means the same as that term is defined in Section~~  
1698 ~~26A-1-102.~~
- 1699 ~~(15) "Local health department distribution agent" means an agent designated and~~  
1700 ~~registered to distribute state central fill shipments under Sections 26-61a-606 and 26-61a-607.~~
- 1701 ~~(16) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis~~

1702 product in a medicinal dosage form.

1703 ~~[(14)]~~ (17) "Medical cannabis card" means a medical cannabis patient card, a medical  
1704 cannabis guardian card, or a medical cannabis caregiver card.

1705 (18) "Medical cannabis cardholder" means a holder of a medical cannabis card.

1706 (19) "Medical cannabis caregiver card" means an official card [issued by] that:

1707 (a) the department issues to an individual [with a qualifying illness, or the individual's]  
1708 whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder  
1709 designates as a designated caregiver [under this chapter, that]; and

1710 (b) is connected to the electronic verification system.

1711 ~~[(15)]~~ (20) (a) "Medical cannabis device" means [the same as that term is defined in  
1712 Section 58-37-3.6b.] a device that an individual uses to ingest cannabis in a medicinal dosage  
1713 form or a cannabis product in a medicinal dosage form.

1714 (b) "Medical cannabis device" does not include a device that:

1715 (i) facilitates cannabis combustion; or

1716 (ii) an individual uses to ingest substances other than cannabis.

1717 (21) "Medical cannabis guardian card" means an official card that:

1718 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1719 condition; and

1720 (b) is connected to the electronic verification system.

1721 (22) "Medical cannabis patient card" means an official card that:

1722 (a) the department issues to an individual with a qualifying condition; and

1723 (b) is connected to the electronic verification system.

1724 (23) "Medical cannabis pharmacy" means a person that:

1725 (a) (i) acquires or intends to acquire:

1726 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
1727 form from a cannabis processing facility; or

1728 (B) a medical cannabis device; or

1729 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1730 dosage form, or a medical cannabis device; and

1731 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a  
1732 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.



1733 (24) "Medical cannabis pharmacy agent" means an individual who:  
1734 (a) is an employee of a medical cannabis pharmacy; and  
1735 (b) who holds a valid medical cannabis pharmacy agent registration card.  
1736 (25) "Medical cannabis pharmacy agent registration card" means a registration card  
1737 issued by the department that authorizes an individual to act as a medical cannabis pharmacy  
1738 agent.  
1739 ~~[(16) "Medical Cannabis Restricted Account" means the account created in Section~~  
1740 ~~26-60b-109.]~~  
1741 (26) (a) "Medicinal dosage form" means:  
1742 (i) for processed medical cannabis or a medical cannabis product, the following in  
1743 single dosage form with a specific and consistent cannabinoid content:  
1744 (A) a tablet;  
1745 (B) a capsule;  
1746 (C) a concentrated oil;  
1747 (D) a liquid suspension;  
1748 (E) a topical preparation;  
1749 (F) a transdermal preparation;  
1750 (G) a sublingual preparation;  
1751 (H) a cube that is designed for ingestion through chewing or holding in the mouth for  
1752 slow dissolution; or  
1753 (I) for use only after the individual's qualifying condition has failed to substantially  
1754 respond to at least two other forms described in this Subsection (26)(a)(i), a resin or wax;  
1755 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:  
1756 (A) containing a specific and consistent weight that does not exceed one gram and that  
1757 varies by no more than 10% from the stated weight; and  
1758 (B) labeled with a barcode that provides information connected to an inventory control  
1759 system and the individual blister's content and weight; and  
1760 (iii) a form measured in grams, milligrams, or milliliters.  
1761 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:  
1762 (i) the medical cannabis cardholder has recently removed from the blister pack  
1763 described in Subsection (26)(a)(ii) for use; and

- 1764 (ii) does not exceed the quantity described in Subsection (26)(a)(ii).
- 1765 (c) "Medicinal dosage form" does not include:
- 1766 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in
- 1767 Subsection (26)(b); or
- 1768 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
- 1769 on a nail or other metal object that is heated by a flame, including a blowtorch.
- 1770 (27) "Pharmacy medical provider" means the medical provider required to be on site at
- 1771 a medical cannabis pharmacy under Section 26-61a-403.
- 1772 (28) "Provisional patient card" means a card that:
- 1773 (a) the department issues to a minor with a qualifying condition for whom:
- 1774 (i) a qualified medical provider has recommended a medical cannabis treatment; and
- 1775 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1776 legal guardian; and
- 1777 (b) is connected to the electronic verification system.
- 1778 ~~[(17)]~~ (29) ["Physician"] "Qualified medical provider" means an individual who is
- 1779 qualified to recommend treatment with cannabis in a medicinal dosage form under Section
- 1780 ~~[26-60b-107]~~ 26-61a-107.
- 1781 (30) "Qualified Distribution Enterprise Account" means the enterprise account created
- 1782 in Section 26-61a-110.
- 1783 (31) "Qualified Patient Enterprise Account" means the enterprise account created in
- 1784 Section 26-61a-109.
- 1785 ~~[(18)]~~ (32) "Qualifying [illness] condition" means a condition described in Section
- 1786 ~~[26-60b-105]~~ 26-61a-105.
- 1787 (33) "State central fill agent" means an employee of the state central fill medical
- 1788 cannabis pharmacy that the department registers in accordance with Section 26-61a-602.
- 1789 (34) "State central fill medical cannabis pharmacy" means the central fill pharmacy that
- 1790 the department creates in accordance with Section 26-61a-601.
- 1791 (35) "State central fill medical provider" means a physician or pharmacist that the state
- 1792 central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders
- 1793 in accordance with Section 26-61a-601.
- 1794 (36) "State central fill shipment" means a shipment of cannabis in a medicinal dosage

1795 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state  
 1796 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis  
 1797 cardholder in a local health department.

1798 ~~[(19)]~~ (37) "State electronic verification system" means the system described in Section  
 1799 ~~[26-60b-103]~~ 26-61a-103.

1800 Section 47. Section **26-61a-103**, which is renumbered from Section 26-60B-103 is  
 1801 renumbered and amended to read:

1802 ~~[26-60B-103].~~ **26-61a-103. Electronic verification system.**

1803 (1) The Department of Agriculture and Food, the ~~[Department of Health]~~ department,  
 1804 the Department of Public Safety, and the Department of Technology Services shall:

1805 (a) enter into a memorandum of understanding in order to determine the function and  
 1806 operation of ~~[an]~~ the state electronic verification system in accordance with Subsection (2);

1807 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
 1808 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
 1809 maintain ~~[an]~~ the state electronic verification system in coordination with the Department of  
 1810 Technology Services; and

1811 (c) select a third-party provider ~~[described in]~~ who meets the requirements contained in  
 1812 the request for proposals issued under Subsection (1)(b).

1813 (2) The Department of Agriculture and Food, the department, the Department of Public  
 1814 Safety, and the Department of Technology Services shall ensure that, on or before March 1,  
 1815 2020, the state electronic verification system described in Subsection (1) ~~shall~~:

1816 (a) ~~[allow]~~ allows an individual, with the individual's ~~[physician]~~ qualified medical  
 1817 provider in the ~~[physician's]~~ qualified medical provider's office, to apply for a medical cannabis  
 1818 patient card or, if applicable, a medical cannabis guardian card;

1819 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
 1820 cannabis guardian card in accordance with Sections 26-61a-201 and 26-61a-202;

1821 (c) allows a qualified medical provider to:

1822 (i) access dispensing and card status information regarding a patient:

1823 (A) with whom the qualified medical provider has a provider-patient relationship; and

1824 (B) for whom the qualified medical provider has recommended or is considering  
 1825 recommending a medical cannabis card;

1826 ~~(b)~~ (ii) ~~[allow a physician to]~~ electronically recommend, during a visit with a patient,  
 1827 treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal  
 1828 dosage form and optionally recommend dosing parameters;

1829 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
 1830 medical cannabis guardian cardholder;

1831 (A) for the qualified medical provider who originally recommended a medical cannabis  
 1832 treatment, using telehealth services, as that term is defined in Section 26-61a-102; or

1833 (B) for a qualified medical provider who did not originally recommend the medical  
 1834 cannabis treatment, during a face-to-face visit with a patient; and

1835 (iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment  
 1836 in accordance with Section 26-61a-603;

1837 ~~(c)~~ (d) ~~[connect]~~ connects with:

1838 (i) an inventory control system ~~[used by a cannabis dispensary]~~ that a medical cannabis  
 1839 pharmacy and the state central fill medical cannabis pharmacy use to track[;] in real time[;] and  
 1840 [to] archive [for no more than 60 days, purchase history] purchases of any cannabis [or a] in a  
 1841 medicinal dosage form, cannabis product [by a] in a medicinal dosage form, or medical  
 1842 cannabis [card holder] device, including;

1843 (A) the time and date of [the] each purchase[;];

1844 (B) the quantity and type of cannabis [or], cannabis product, or medical cannabis  
 1845 device purchased[, and];

1846 (C) any cannabis production establishment [and cannabis dispensary], any medical  
 1847 cannabis pharmacy, or the state central fill medical cannabis pharmacy associated with the  
 1848 cannabis [or], cannabis product[;], or medical cannabis device; and

1849 (D) the personally identifiable information of the medical cannabis cardholder who  
 1850 made the purchase; and

1851 (ii) any commercially available inventory control system that a cannabis production  
 1852 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of  
 1853 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
 1854 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
 1855 track and confirm compliance;

1856 ~~(d)~~ (e) provide access to:

1857 (i) the [Department of Health and the Department of Agriculture and Food] department  
 1858 to the extent necessary to carry out the [Department of Health's and the Department of  
 1859 Agriculture and Food's] department's functions and responsibilities under this chapter [and];

1860 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
 1861 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
 1862 [4Hb] 41a, Cannabis Production [Establishment;] Establishments; and

1863 (iii) the Division of Occupational and Professional Licensing to the extent necessary to  
 1864 carry functions and responsibilities related to the participation of the following in the  
 1865 recommendation and dispensing of medical cannabis:

1866 (A) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
 1867 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1868 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1869 (f) provides access to and interaction with the state central fill medical cannabis  
 1870 pharmacy, state central fill agents, and local health department distribution agents, to facilitate  
 1871 the state central fill shipment process;

1872 [(e)] (g) [provide] provides access to state or local law enforcement;

1873 (i) during a traffic stop for the purpose of determining if the individual subject to the  
 1874 traffic stop is [complying] in compliance with state medical cannabis law[;]; or

1875 (ii) after obtaining a warrant; and

1876 [(f)] (h) [create] creates a record each time a person accesses the database that  
 1877 identifies the person who [accessed] accesses the database and the individual whose records  
 1878 [are accessed; and] the person accesses.

1879 [(g) (9) be operational no later than March 1, 2020.]

1880 (3) The [Department of Health] department may release de-identified data [collected  
 1881 by] that the system collects for the purpose of;

1882 (a) conducting medical research; and [for]

1883 (b) providing the report required by Section [26-60b-602] 26-61a-703.

1884 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
 1885 Administrative Rulemaking Act, to establish:

1886 (a) the limitations on access to the data in the state electronic verification system as  
 1887 described in this section; and

1888 (b) standards and procedures to ensure accurate identification of an individual  
1889 requesting information or receiving information in this section.

1890 (5) (a) Any person who knowingly and intentionally releases any information in the  
1891 state electronic verification system in violation of this section is guilty of a third degree felony.

1892 (b) Any person who negligently or recklessly releases any information in the state  
1893 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1894 (6) (a) Any person who obtains or attempts to obtain information from the state  
1895 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1896 (b) Any person who obtains or attempts to obtain information from the state electronic  
1897 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
1898 degree felony.

1899 (7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and  
1900 intentionally use, release, publish, or otherwise make available to any other person information  
1901 obtained from the state electronic verification system for any purpose other than a purpose  
1902 specified in this section.

1903 (b) Each separate violation of this Subsection (7) is:

1904 (i) a third degree felony; and

1905 (ii) subject to a civil penalty not to exceed \$5,000.

1906 (c) The procedure for determining a civil violation of this Subsection (7) is in  
1907 accordance with Section 58-1-108, regarding adjudicative proceedings within the Division of  
1908 Occupational and Professional Licensing.

1909 (d) Civil penalties assessed under this Subsection (7) shall be deposited in the  
1910 Qualified Patient Enterprise Account as a dedicated credit for department use under Section  
1911 26-61a-109.

1912 (e) This Subsection (7) does not prohibit a person who obtains information from the  
1913 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1914 (i) including the information in the person's medical chart or file for access by a person  
1915 authorized to review the medical chart or file;

1916 (ii) providing the information to a person in accordance with the requirements of the  
1917 Health Insurance Portability and Accountability Act of 1996; or

1918 (iii) discussing or sharing that information on the patient with the patient.

1919 Section 48. Section **26-61a-104**, which is renumbered from Section 26-60B-104 is  
 1920 renumbered and amended to read:

1921 ~~[26-60B-104].~~ **26-61a-104. Preemption.**

1922 This chapter preempts any ordinance or rule enacted by a political subdivision of the  
 1923 state regarding a medical cannabis ~~[dispensary]~~ pharmacy or a medical cannabis card.

1924 Section 49. Section **26-61a-105**, which is renumbered from Section 26-60B-105 is  
 1925 renumbered and amended to read:

1926 ~~[26-60B-105].~~ **26-61a-105. Qualifying condition.**

1927 (1) By designating a particular condition under Subsection (2) for which the use of  
 1928 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively  
 1929 state that:

1930 (a) current scientific evidence clearly supports the efficacy of a medical cannabis  
 1931 treatment for the condition; or

1932 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

1933 ~~[(+)]~~ (2) For the purposes of this chapter, each of the following conditions [are  
 1934 considered] is a qualifying [illness] condition:

1935 (a) HIV[;] or acquired immune deficiency syndrome [or an autoimmune disorder];

1936 (b) Alzheimer's disease;

1937 (c) amyotrophic lateral sclerosis;

1938 (d) cancer[;];

1939 (e) cachexia[; or a condition manifest by physical wasting;];

1940 (f) persistent nausea[; or malnutrition associated with chronic disease] that is not  
 1941 significantly responsive to traditional treatment, except for nausea related to:

1942 (i) pregnancy;

1943 (ii) cannabis-induced cyclical vomiting syndrome; or

1944 (iii) cannabinoid hyperemesis syndrome;

1945 ~~[(e)]~~ (g) Crohn's disease[;] or ulcerative colitis[; or a similar gastrointestinal disorder];

1946 ~~[(f)]~~ (h) epilepsy or [a similar condition that causes] debilitating seizures;

1947 ~~[(g)]~~ (i) multiple sclerosis or [a similar condition that causes] persistent and  
 1948 debilitating muscle spasms;

1949 ~~[(h)]~~ (j) post-traumatic stress disorder that a licensed and board-eligible or

1950 board-certified psychiatrist or psychologist with a doctorate-level degree has diagnosed or  
 1951 confirmed through face-to-face or telehealth evaluation of the patient;  
 1952 ~~(f)~~ (k) autism;  
 1953 (l) a terminal illness when the patient's remaining life expectancy is less than six  
 1954 months;  
 1955 (m) a condition resulting in the individual receiving hospice care;  
 1956 ~~(f)~~ (n) a rare condition or disease that:  
 1957 (i) affects less than 200,000 [persons] individuals in the United States, as defined in  
 1958 Section 526 of the Federal Food, Drug, and Cosmetic Act; and  
 1959 (ii) is not adequately managed despite treatment attempts using:  
 1960 (A) conventional medications other than opioids or opiates; or  
 1961 (B) physical interventions;  
 1962 ~~(k)~~ (o) [chronic or debilitating] pain [in an individual, if] lasting longer than two  
 1963 weeks that is not adequately managed, in the qualified medical provider's opinion, despite  
 1964 treatment attempts using:  
 1965 (i) [a physician determines that the individual is at risk of becoming chemically  
 1966 dependent on, or overdosing on, opiate-based pain medication] conventional medications other  
 1967 than opioids or opiates; or  
 1968 (ii) [a physician determines that the individual is allergic to opiates or is otherwise  
 1969 medically unable to use opiates.] physical interventions; and  
 1970 ~~(2)~~ (p) [In addition to the conditions described in Subsection (1);] a condition  
 1971 [approved] that the compassionate use board approves under Section [26-60b-106, in]  
 1972 26-61a-106, on an individual, [on a] case-by-case basis[; is considered a qualifying illness for  
 1973 the purposes of this chapter].  
 1974 Section 50. Section **26-61a-106**, which is renumbered from Section 26-60B-106 is  
 1975 renumbered and amended to read:  
 1976 ~~[26-60B-106].~~ **26-61a-106. Compassionate use board.**  
 1977 (1) (a) The department shall establish a ~~[Compassionate Use Board]~~ compassionate use  
 1978 board consisting of:  
 1979 ~~(a)~~ (i) [five physicians] seven qualified medical providers that the executive director  
 1980 appoints:



1981           (A) who are knowledgeable about the medicinal use of cannabis; and

1982           (B) whom ~~[certified by]~~ the appropriate board certifies in ~~[one of]~~ the ~~[following~~

1983 ~~specialties:]~~ specialty of neurology, pain medicine and pain management, medical oncology,

1984 psychiatry, infectious disease, internal medicine, pediatrics, ~~[and]~~ or gastroenterology; and

1985           ~~[(b)]~~ (ii) as a nonvoting member and the chair of the board, the executive director ~~[of~~

1986 ~~the Department of Health]~~ or the director's designee ~~[as a non-voting member].~~

1987           (b) In appointing the seven qualified medical providers described in Subsection (1)(a),

1988 the executive director shall ensure that at least two have a board certification in pediatrics.

1989           (2) (a) ~~[Two of]~~ Of the members of the board that the executive director first

1990 ~~[appointed]~~ appoints:

1991           (i) three shall serve ~~[for a]~~ an initial term of ~~[three]~~ two years; and ~~[two of]~~

1992           (ii) the remaining members ~~[of the board first appointed]~~ shall serve ~~[for a]~~ an initial

1993 term of four years.

1994           (b) After ~~[the first members' terms expire, members of the board shall serve for a]~~ an

1995 initial term ~~[of]~~ described in Subsection (2)(a) expires:

1996           (i) each term is four years; and ~~[shall be]~~

1997           (ii) each board member is eligible for reappointment.

1998           (c) ~~[Any]~~ A member of the board may serve until a successor is appointed.

1999           ~~[(d) The director of the Department of Health or the director's designee shall serve as~~

2000 ~~the chair of the board.]~~

2001           (3) ~~[A]~~ Four members constitute a quorum of the [Compassionate Use Board shall

2002 consist of three members] compassionate use board.

2003           (4) A member of the board may ~~[not]~~ receive;

2004           (a) compensation or benefits for the member's service~~[-but may receive]; and~~

2005           (b) per diem and travel expenses in accordance with Section 63A-3-106, Section

2006 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2007 63A-3-107.

2008           (5) The ~~[Compassionate Use Board]~~ compassionate use board shall:

2009           (a) review and recommend ~~[to the]~~ for department approval ~~[for]~~ an individual

2010 described in Subsection 26-61a-201(2)(a), a minor described in Subsection 26-61a-201(2)(c),

2011 or an individual who is not otherwise qualified to receive a medical cannabis card to obtain a

2012 medical cannabis card for compassionate use if:

2013 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,  
 2014 the individual's qualified medical provider is actively treating the individual [~~offers, in the~~  
 2015 ~~board's discretion, satisfactory evidence that the individual suffers from a~~] for an intractable  
 2016 condition that:

2017 (A) substantially impairs the individual's quality of life [~~and is intractable~~]; and

2018 (B) has not, in the qualified medical provider's professional opinion, adequately  
 2019 responded to conventional treatments;

2020 (ii) the qualified medical provider:

2021 (A) recommends that the individual or minor be allowed to use medical cannabis; and

2022 (B) provides a letter, relevant treatment history, and notes or copies of progress notes  
 2023 describing relevant treatment history including rationale for considering the use of medical  
 2024 cannabis; and

2025 [(ii)] (iii) the board determines that:

2026 (A) the recommendation of the individual's qualified medical provider is justified; and

2027 (B) based on available information, it [is] may be in the best [interest] interests of the  
 2028 [patient] individual to allow the [~~compassionate~~] use of medical cannabis;

2029 (b) unless no petitions are pending:

2030 (i) meet to receive or review compassionate use petitions at least quarterly [~~, unless no~~  
 2031 ~~petitions are pending, or~~]; and

2032 (ii) [~~as often as necessary~~] if there are more petitions than the board can receive or  
 2033 review during the board's regular schedule, as often as necessary;

2034 (c) complete a review of each petition and recommend to the department approval or  
 2035 denial of the applicant for qualification for a medical cannabis card within 90 days [~~of receipt~~]  
 2036 after the day on which the board received the petition; and

2037 (d) report, before November 1 of each year, to the Health and Human Services Interim  
 2038 Committee [;];

2039 (i) the number of compassionate use [approvals] recommendations the board issued  
 2040 during the past year; and

2041 (ii) the types of conditions for which the board approved compassionate use.

2042 (6) (a) (i) The department shall review any compassionate use [approved by] for which

2043 the board recommends approval under ~~[this section]~~ Subsection (5)(c) to determine [if]  
2044 whether the board properly exercised the board's discretion under this section.

2045 ~~[(7)]~~ (ii) If the department determines that the board properly [approved an individual  
2046 for compassionate use under this section] exercised the board's discretion in recommending  
2047 approval under Subsection (5)(c), the department shall:

2048 (A) issue [a] the relevant medical cannabis card[-]; and  
2049 (B) provide for the renewal of the medical cannabis card in accordance with the  
2050 recommendation of the qualified medical provider described in Subsection (5)(a).

2051 (b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking  
2052 to obtain a medical cannabis card may petition the department to review the board's decision.

2053 (ii) If the department determines that the board's recommendation for denial under  
2054 Subsection (5)(c) was arbitrary or capricious:

2055 (A) the department shall notify the board of the department's determination; and  
2056 (B) the board shall reconsider the board's refusal to recommend approval under this  
2057 section.

2058 (c) In reviewing the board's recommendation for approval or denial under Subsection  
2059 (5)(c) in accordance with this Subsection (6), the department shall presume the board properly  
2060 exercised the board's discretion unless the department determines that the board's  
2061 recommendation was arbitrary or capricious.

2062 ~~[(8)]~~ (7) Any individually identifiable health information contained in a petition  
2063 [received] that the board or department receives under this section ~~[shall be]~~ is a protected

2064 record in accordance with Title 63G, Chapter 2, Government Records Access and Management  
2065 Act.

2066 ~~[(9)]~~ (8) The ~~[Compassionate Use Board may recommend]~~ compassionate use board  
2067 shall annually report the board's activity to the ~~[Health and Human Services Interim~~  
2068 Committee:]

2069 ~~[(a) a condition to designate as a qualifying illness under Section 26-60b-105; or]~~  
2070 ~~[(b) a condition to remove as a qualifying illness under Section 26-60b-105]~~

2071 Cannabinoid Product Board created in Section 26-61-201.

2072 Section 51. Section **26-61a-107**, which is renumbered from Section 26-60B-107 is  
2073 renumbered and amended to read:

2074 ~~[26-60B-107]~~. 26-61a-107. Qualified medical provider registration --  
2075 Continuing education -- Treatment recommendation.

2076 (1) ~~[For the purposes of this chapter, a physician means an]~~ An individual~~[, other than~~  
2077 ~~a veterinarian, who]~~ may not recommend a medical cannabis treatment unless the department  
2078 registers the individual as a qualified medical provider in accordance with this section.

2079 (2) (a) The department shall, within 15 days after the day on which the department  
2080 receives an application from an individual, register and issue a qualified medical provider  
2081 registration card to the individual if the individual:

2082 (i) provides to the department:

2083 (A) the individual's name and address;

2084 (B) a report detailing the individual's completion of the applicable continuing  
2085 education requirement described in Subsection (3); and

2086 (C) evidence that the individual has the authority to write a prescription and is licensed  
2087 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
2088 Osteopathic Medical Practice Act; is licensed to prescribe a controlled substance [under] in  
2089 accordance with Title 58, Chapter 37, Utah Controlled Substances Act; and [who] possesses  
2090 the authority, in accordance with the individual's scope of practice, to prescribe a Schedule II  
2091 controlled [substances:] substance; and

2092 (ii) pays the department a fee in an amount that:

2093 (B) the department sets, in accordance with section 63J-1-504; and

2094 (B) does not exceed \$300 for an initial registration.

2095 (b) The department may not register an individual as a qualified medical provider if the  
2096 individual is:

2097 (i) a pharmacy medical provider or a state central fill medical provider; or

2098 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
2099 cultivation facility or a medical cannabis pharmacy.

2100 (3) (a) An individual shall complete the continuing education described in this  
2101 Subsection (3) in the following amounts:

2102 (i) for an individual as a condition precedent to registration, four hours; and

2103 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
2104 every two years.

2105 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:  
2106 (i) complete continuing education:  
2107 (A) regarding the topics described in Subsection (3)(d); and  
2108 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
2109 continuing education provider that the department recognizes as offering continuing education  
2110 appropriate for the recommendation of cannabis to patients; and  
2111 (ii) make a continuing education report to the department in accordance with a process  
2112 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
2113 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
2114 Professional Licensing and:  
2115 (A) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical  
2116 Practice Act, the Physicians Licensing Board; and  
2117 (B) for a qualified medical provider licensed under Title 58, Chapter 68, Utah  
2118 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.  
2119 (c) The department may, in consultation with the Division of Occupational and  
2120 Professional Licensing, develop the continuing education described in this Subsection (3).  
2121 (d) The continuing education described in this Subsection (3) may discuss:  
2122 (i) the provisions of this chapter;  
2123 (ii) general information about medical cannabis under federal and state law;  
2124 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
2125 including risks and benefits;  
2126 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2127 patient in pain management, risk management, potential addiction, or palliative care; and  
2128 (v) best practices for recommending the form and dosage of medical cannabis products  
2129 based on the qualifying condition underlying a medical cannabis recommendation.  
2130 ~~[(2) A physician may recommend cannabis if the physician recommends cannabis to no~~  
2131 ~~more than 20% of the physician's patients at any given time.]~~  
2132 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may  
2133 not recommend a medical cannabis treatment to more than 175 of the qualified medical  
2134 provider's patients at the same time, as determined by the number of medical cannabis cards  
2135 under the qualified medical provider's name in the state electronic verification system.

2136 ~~[(3)]~~ (b) Except as provided in Subsection (4)(c), ~~[A physician]~~ a qualified medical  
2137 provider may recommend a medical cannabis treatment to ~~[greater than 20% of the physician's~~  
2138 ~~patients]~~ up to 300 of the qualified medical provider's patients at any given time, as determined  
2139 by the number of medical cannabis cards under the qualified medical provider's name in the  
2140 state electronic verification system, if the ~~[physician is certified, by the]~~ appropriate American  
2141 medical board~~[-, in one of the following specialties:]~~ has certified the qualified medical provider  
2142 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and  
2143 palliative ~~[care, physiatry]~~ medicine, physical medicine and rehabilitation, rheumatology, or  
2144 psychiatry.

2145 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in  
2146 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for  
2147 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of  
2148 100 patients per authorization, not to exceed three authorizations.

2149 (ii) The Division of Occupational and Professional Licensing shall grant the  
2150 authorization described in Subsection (4)(c)(i) if:

2151 (A) the petitioning qualified medical provider pays a \$100 fee;

2152 (B) the division performs a review that includes the qualified medical provider's  
2153 medical cannabis recommendation activity in the state electronic verification system, relevant  
2154 information related to patient demand, and any patient medical records that the division  
2155 determines would assist in the division's review; and

2156 (C) after the review described in this Subsection (4)(c)(ii), the division determines that  
2157 granting the authorization would not adversely affect public safety, adversely concentrate the  
2158 overall patient population among too few qualified medical providers, or adversely concentrate  
2159 the use of medical cannabis among the provider's patients.

2160 ~~[(4)]~~ (5) A ~~[physician]~~ qualified medical provider may recommend a medical cannabis  
2161 to an individual under this chapter only in the course of a physician-patient relationship after  
2162 the ~~[physician]~~ qualifying medical provider has completed and documented in the patient's  
2163 medical record a ~~[full]~~ thorough assessment of the patient's condition and medical history  
2164 based on the appropriate standard of care for the patient's condition.

2165 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(b)]~~ (6)(b), a ~~[physician eligible to~~  
2166 ~~recommend cannabis or a cannabis product under this section]~~ qualified medical provider may

2167 not advertise that the [~~physician~~] qualified medical provider recommends medical cannabis [~~or~~  
2168 ~~a cannabis product~~] treatment.

2169 (b) [~~A physician may advertise via~~] For purposes of Subsection (6)(a), the  
2170 communication of the following, through a website [~~that displays only~~] does not constitute  
2171 advertising:

2172 (i) a green cross;

2173 [~~(ii) the location and hours of operation of the physician's office;~~]

2174 [~~(iii)~~] (ii) a qualifying [~~illness~~] condition that the [~~physician~~] qualified medical provider  
2175 treats; [~~and~~] or

2176 [~~(iv)~~] (iii) a scientific study [~~regarding~~] medical cannabis use.

2177 (7) (a) A qualified medical provider registration card expires two years after the day on  
2178 which the department issues the card.

2179 (b) The department shall renew a qualified medical provider's registration card if the  
2180 provider:

2181 (i) applies for renewal;

2182 (ii) is eligible for a qualified medical provider registration card under this section,  
2183 including maintaining an unrestricted license as described in Subsection (2)(a)(iii)(C);

2184 (iii) certifies to the department in a renewal application that the information in  
2185 Subsection (2)(a) is accurate or updates the information;

2186 (iv) submits a report detailing the completion of the continuing education requirement  
2187 described in Subsection (3); and

2188 (v) pays the department a fee in an amount that:

2189 (A) the department sets, in accordance with section 63J-1-504; and

2190 (B) does not exceed \$50 for a registration renewal.

2191 (8) The department may revoke the registration of a qualified medical provider who  
2192 fails to maintain compliance with the requirements of this section.

2193 (9) A qualified medical provider may not receive any compensation or benefit for the  
2194 qualified medical provider's medical cannabis treatment recommendation from:

2195 (a) a cannabis production establishment or an owner, officer, director, board member,  
2196 employee, or agent of a cannabis production establishment;

2197 (b) a medical cannabis pharmacy or an owner, officer, director, board member,

2198 employee, or agent of a medical cannabis pharmacy; or

2199 (c) a qualified medical provider or pharmacy medical provider.

2200 Section 52. Section **26-61a-108**, which is renumbered from Section 26-60B-108 is  
2201 renumbered and amended to read:

2202 ~~[26-60B-108].~~ **26-61a-108. Standard of care -- Physicians and pharmacists**  
2203 **not liable -- No private right of action.**

2204 ~~[A physician who recommends treatment with cannabis or a cannabis product to an~~  
2205 ~~individual in accordance with this chapter may not, based on the recommendation, be subject~~  
2206 ~~to]~~

2207 (1) An individual described in Subsection (2) is not subject to the following solely for  
2208 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,  
2209 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the  
2210 United States Food and Drug Administration has not approved:

2211 (a) civil [liability,] or criminal liability[;]; or

2212 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,  
2213 Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical  
2214 Practice Act.

2215 (2) The limitations of liability described in Subsection (1) apply to:

2216 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
2217 58, Chapter 68, Utah Osteopathic Medical Practice Act:

2218 (i) (A) whom the department has registered as a qualified medical provider; and

2219 (B) who recommends treatment with cannabis in a medicinal dosage form or a  
2220 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or

2221 (ii) before January 1, 2021, who:

2222 (A) has the authority to write a prescription; and

2223 (B) recommends a medical cannabis treatment to a patient who has a qualifying  
2224 condition; and

2225 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

2226 (i) whom the department has registered as a pharmacy medical provider or a state  
2227 central fill medical provider; and

2228 (ii) who dispenses, in a medical cannabis pharmacy or the state central fill medical



2229 cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product  
 2230 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

2231 (3) Nothing in this section or chapter reduces or in any way negates the duty of an  
 2232 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a  
 2233 patient:

2234 (a) who may have a qualifying condition; and

2235 (b) (i) for whom the physician described in Subsection (2)(a)(i) or (ii) has  
 2236 recommended or might consider recommending a treatment with cannabis or a cannabis  
 2237 product; or

2238 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the  
 2239 dosing or dispensing of cannabis or a cannabis product.

2240 Section 53. Section **26-61a-109**, which is renumbered from Section 26-60B-109 is  
 2241 renumbered and amended to read:

2242 **[26-60B-109]. 26-61a-109. Qualified Patient Enterprise Account --**  
 2243 **Creation -- Revenue neutrality.**

2244 (1) There is created in the General Fund [~~a restricted~~] an enterprise account known as  
 2245 the ["~~Medical Cannabis Restricted~~] "Qualified Patient Enterprise Account."

2246 (2) The account created in this section is funded from:

2247 [~~(a) money deposited into the account by the Department of Agriculture and Food~~  
 2248 ~~under Title 4, Chapter 41b, Cannabis Production Establishments;]~~

2249 [~~(b) (a) money [deposited] the department deposits into the account [by the~~  
 2250 ~~department] under this chapter;~~

2251 [~~(c) (b) appropriations [made] the Legislature makes to the account [by the~~  
 2252 ~~Legislature]; and~~

2253 [~~(d) (c) the interest described in Subsection (3).~~

2254 (3) Interest earned on the account [~~is~~] shall be deposited [in] into the account.

2255 (4) [~~Money~~] The department may only use money in the account [may only be used] to  
 2256 fund the [~~state medical cannabis program, including Title 26, Chapter 60b, Medical Cannabis~~  
 2257 Act and Title 4, Chapter 41b, Cannabis Production Establishments] department's  
 2258 responsibilities under this chapter, except for the responsibilities described in Subsection  
 2259 26-61a-110(4).

2260 (5) The department shall set fees authorized under this chapter in amounts that the  
 2261 department anticipates are necessary, in total, to cover the department's cost to implement this  
 2262 chapter.

2263 Section 54. Section **26-61a-110** is enacted to read:

2264 **26-61a-110. Qualified Distribution Enterprise Account -- Creation.**

2265 (1) There is created in the General Fund an enterprise account known as the "Qualified  
 2266 Distribution Enterprise Account."

2267 (2) The account created in this section is funded from:

2268 (a) money the department deposits into the account from the operation of the state  
 2269 central fill medical cannabis pharmacy under this chapter;

2270 (b) appropriations the Legislature makes to the account; and

2271 (c) the interest described in Subsection (3).

2272 (3) Interest earned on the account shall be deposited into the account.

2273 (4) The department may only use money in the account to fund the operation of the  
 2274 state central fill medical cannabis pharmacy.

2275 Section 55. Section **26-61a-111**, which is renumbered from Section 26-60B-110 is  
 2276 renumbered and amended to read:

2277 ~~[26-60B-110].~~ **26-61a-111. Nondiscrimination for medical care or**  
 2278 **government employment.**

2279 (1) For purposes of medical care, including an organ [and] or tissue [transplants, the  
 2280 use of cannabis by a patient who holds] transplant, a [medical cannabis card] patient's use, in  
 2281 accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis product in a  
 2282 medicinal dosage form:

2283 (a) is considered the equivalent of the authorized use of any other medication used at  
 2284 the discretion of a physician; and

2285 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
 2286 individual from needed medical care.

2287 ~~[(2) No landlord may refuse to lease to and may not otherwise penalize a person solely~~  
 2288 ~~for the person's status as a medical cannabis card holder, unless failing to do so would cause~~  
 2289 ~~the landlord to lose a monetary or licensing-related benefit under federal law.]~~

2290 (2) (a) Notwithstanding any other provision of law and except as provided in

2291 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical  
2292 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or  
2293 political subdivision treats employee use of opioids and opiates.

2294 (b) Subsection (2)(a) does not apply where application would jeopardize federal  
2295 funding for the employee's position.

2296 Section 56. Section **26-61a-112** is enacted to read:

2297 **26-61a-112. No insurance requirement.**

2298 Nothing in this chapter requires an insurer, a third-party administrator, or an employer  
2299 to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

2300 Section 57. Section **26-61a-113** is enacted to read:

2301 **26-61a-113. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.**

2302 (1) Nothing in this chapter prohibits an individual:

2303 (a) with a valid hemp extract registration card that the department issues under Section  
2304 26-56-103 from possessing, administering, or using hemp extract in accordance with Section  
2305 58-37-4.3; or

2306 (b) from purchasing, selling, possessing, or using a cannabidiol product in accordance  
2307 with Section 4-41-402.

2308 (2) Nothing in this chapter restricts or otherwise affects the prescription, distribution,  
2309 or dispensing of a product that the United States Food and Drug Administration has approved.

2310 Section 58. Section **26-61a-114** is enacted to read:

2311 **26-61a-114. Severability clause.**

2312 (1) If any provision of this title or this bill or the application of any provision of this  
2313 title or this bill to any person or circumstance is held invalid by a final decision of a court of  
2314 competent jurisdiction, the remaining provisions of this title and this bill remain effective  
2315 without the invalidated provision or application.

2316 (2) The provisions of this title and this bill are severable.

2317 Section 59. Section **26-61a-201**, which is renumbered from Section 26-60B-201 is  
2318 renumbered and amended to read:

2319 **Part 2. Medical Cannabis Card Registration.**

2320 ~~[26-60B-201]~~. **26-61a-201. Medical cannabis patient card -- Medical**

2321 **cannabis guardian card application -- Fees -- Studies.**

2322 (1) ~~[The Department of Health shall, no later than]~~ On or before March 1, 2020, ~~[and]~~  
 2323 the department shall, within 15 days after ~~[an individual]~~ the day on which an individual who  
 2324 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in  
 2325 ~~[compliance]~~ accordance with this section~~[-]~~ or Section 26-61a-202:

2326 (a) issue a medical cannabis patient card to an individual ~~[who complies with this~~  
 2327 ~~section.]~~ described in Subsection (2)(a):

2328 (b) issue a medical cannabis guardian card to an individual described in Subsection  
 2329 (2)(b):

2330 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

2331 (d) issue a medical cannabis caregiver card to an individual described in Subsection  
 2332 26-61a-202(4).

2333 (2) (a) An individual is eligible for a medical cannabis patient card if:

2334 ~~[(a)]~~ (i) (A) the individual is at least [18] 21 years old[-]; or

2335 (B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate  
 2336 use board under Section 26-61a-106, and the compassionate use board recommends department  
 2337 approval of the petition;

2338 (ii) the individual is a Utah resident[-, and treatment with medical cannabis has been  
 2339 recommended by];

2340 (iii) the individual's [physician under] qualified medical provider recommends  
 2341 treatment with medical cannabis in accordance with Subsection (4); ~~[or]~~

2342 (iv) the individual signs an acknowledgment stating that the individual received the  
 2343 information described in Subsection (8); and

2344 (v) the individual pays to the department a fee in an amount that, subject to Subsection  
 2345 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2346 (b) (i) ~~[the individual]~~ An individual is eligible for a medical cannabis guardian card if  
 2347 the individual:

2348 (A) is at least 18 years old;

2349 (B) is a Utah resident;

2350 (C) is the parent or legal guardian of a minor[-, the individual is at least 18 years old,  
 2351 the individual is a Utah resident, and treatment with] for whom the minor's qualified medical

2352 provider recommends a medical cannabis [has been recommended by the minor's physician  
2353 under Subsection (4)] treatment, the individual petitions the compassionate use board under  
2354 Section 26-61a-106, and the compassionate use board recommends department approval of the  
2355 petition;

2356 (D) the individual signs an acknowledgment stating that the individual received the  
2357 information described in Subsection (8);

2358 (E) pays to the department a fee in an amount that, subject to Subsection  
2359 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the  
2360 criminal background check described in Section 26-61a-203; and

2361 (F) the individual has not been convicted of a misdemeanor or felony drug distribution  
2362 offense under either state or federal law, unless the individual completed any imposed sentence  
2363 six months or more before the day on which the individual applies for a medical cannabis  
2364 guardian card.

2365 (ii) The department shall notify the Department of Public Safety of each individual that  
2366 the department registers for a medical cannabis guardian card.

2367 (c) (i) A minor is eligible for a provisional patient card if:

2368 (A) the minor has a qualifying condition;

2369 (B) the minor's qualified medical provider recommends a medical cannabis treatment  
2370 to address the minor's qualifying condition;

2371 (C) the minor's parent or legal guardian petitions the compassionate use board under  
2372 Section 26-61a-106, and the compassionate use board recommends department approval of the  
2373 petition; and

2374 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card  
2375 under Subsection (2)(b).

2376 (ii) The department shall automatically issue a provisional patient card to the minor  
2377 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis  
2378 guardian card to the minor's parent or legal guardian.

2379 (3) (a) An individual who is eligible for a medical cannabis card [~~under~~] described in  
2380 Subsection [(2)] (2)(a) or (b) shall submit an application for a medical cannabis card to the  
2381 department [via];

2382 (i) through an electronic application connected to the state electronic verification

2383 system[-];

2384 (ii) with the recommending ~~[physician]~~ qualified medical provider while in the

2385 recommending ~~[physician's]~~ qualified medical provider's office[-]; and ~~[that includes]~~

2386 (iii) with information including:

2387 (A) the ~~[individual's]~~ applicant's name, gender, age, and address[-];

2388 (B) the number of the applicant's valid form of identification that is a valid United

2389 States federal- or state-issued photo identification, including a driver license, a United States

2390 passport, a United States passport card, or a United States military identification card;

2391 (C) for a medical cannabis guardian card, the name, gender, and age of the minor

2392 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;

2393 and

2394 (D) for a provisional patient card, the name of the minor's parent or legal guardian who

2395 holds the associated medical cannabis guardian card.

2396 (b) The department shall ensure that a medical cannabis card the department issues

2397 under this section contains the information described in Subsection (3)(a)(iii).

2398 (c) (i) If a qualified medical provider determines that, because of age, illness, or

2399 disability, a medical cannabis patient cardholder requires assistance in administering the

2400 medical cannabis treatment that the qualified medical provider recommends, the qualified

2401 medical provider may indicate the cardholder's need in the state electronic verification system.

2402 (ii) If a qualified medical provider makes the indication described in Subsection

2403 (3)(c)(i):

2404 (A) the department shall add a label to the relevant medical cannabis patient card

2405 indicating the cardholder's need for assistance; and

2406 (B) any adult who is 21 years old or older and who is physically present with the

2407 cardholder at the time the cardholder needs to use the recommended medical cannabis

2408 treatment may handle the medical cannabis treatment and any associated medical cannabis

2409 device as needed to assist the cardholder in administering the recommended medical cannabis

2410 treatment, including in the event of an emergency medical condition under Subsection

2411 26-61a-204(2).

2412 (4) ~~[A physician who recommends treatment with]~~ To recommend a medical cannabis

2413 treatment to ~~[an individual or minor]~~ a patient or to renew a recommendation, a qualified

2414 medical provider shall:

2415 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in  
2416 a medicinal dosage form:

2417 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal  
2418 guardian's valid form of identification described in Subsection (3)(a);

2419 (ii) review any record related to the patient and, for a minor patient, the patient's parent  
2420 or legal guardian in:

2421 (A) the state electronic verification system; and

2422 (B) the controlled substance database created in Section 58-37f-201; and

2423 (iii) consider the recommendation in light of the patient's qualifying condition and  
2424 history of medical cannabis and controlled substance use; and

2425 ~~[(a)]~~ (b) state in the [physician's] qualified medical provider's recommendation that the  
2426 [individual] patient:

2427 (i) suffers from a qualifying [illness] condition, including the type of qualifying  
2428 [illness;] condition; and [that the individual]

2429 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis  
2430 product in a medicinal dosage form.~~[-; and]~~

2431 ~~[(b) before recommending cannabis or a cannabis product, look up the individual in the~~  
2432 ~~controlled substance database created in Section 58-37f-201.]~~

2433 (5) (a) ~~[A]~~ Except as provided in Subsection (5)(b), a medical cannabis card [issued  
2434 by] that the department issues under this section is valid for the lesser of:

2435 (i) an amount of time [determined by] that the [physician] qualified medical provider  
2436 determines; or

2437 (ii) (A) for the first issuance, 30 days; or

2438 (B) for a renewal, six months.

2439 (b) (i) A medical cannabis card that the department issues in relation to a terminal  
2440 illness described in Section 26-61a-105 does not expire.

2441 (ii) The recommending qualified medical provider may revoke a recommendation that  
2442 the provider made in relation to a terminal illness described in Section 26-61a-105 if the  
2443 medical cannabis cardholder no longer has the terminal illness.

2444 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is

2445 renewable if:

2446 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or

2447 (b); or

2448 (ii) the cardholder received the medical cannabis card through the recommendation of

2449 the compassionate use board under Section 26-61a-106.

2450 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

2451 (i) using the application process described in Subsection (3); or

2452 (ii) through phone or video conference with the qualified medical provider who made

2453 the recommendation underlying the card, at the qualifying medical provider's discretion.

2454 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall

2455 pay to the department a renewal fee in an amount that:

2456 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section

2457 63J-1-504; and

2458 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in

2459 comparison to the original application process.

2460 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional

2461 patient card renews automatically at the time the minor's parent or legal guardian renews the

2462 parent or legal guardian's associated medical cannabis guardian card.

2463 (e) The department may revoke a medical cannabis guardian card if the cardholder

2464 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense

2465 under either state or federal law.

2466 ~~[(6)] (7) (a) [An individual who has been issued a medical cannabis card]~~ A cardholder

2467 under this section [may: (a)] shall carry [a] the cardholder's valid medical cannabis card with

2468 the patient's name[;].

2469 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may

2470 purchase, in accordance with this chapter and the recommendation underlying the card,

2471 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a

2472 medical cannabis device.

2473 (ii) A cardholder under this section may possess[~~and~~] or transport, in accordance with

2474 this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form,

2475 a cannabis product in a medicinal dosage form, or a medical cannabis device[;].



2476 ~~[(c)] (iii) [use or assist with the use of medical cannabis or medical cannabis products~~  
2477 ~~to treat] To address the qualifying [illness or symptoms associated with the qualifying illness of~~  
2478 ~~the person for whom medical cannabis has been recommended] condition underlying the~~  
2479 ~~medical cannabis treatment recommendation:~~

2480 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use  
2481 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,  
2482 or a medical cannabis device; and

2483 (B) a medical cannabis guardian cardholder may assist the associated provisional  
2484 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis  
2485 product in a medicinal dosage form, or a medical cannabis device.

2486 ~~[(d)] (c) If neither a licensed medical cannabis pharmacy nor the state central fill~~  
2487 ~~medical cannabis pharmacy is operating within the state after January 1, 2021[, if a licensed~~  
2488 ~~cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's~~  
2489 ~~primary residence, grow up to six cannabis plants for personal medical use within an enclosed~~  
2490 ~~and locked space and not within view from a public place and that is not within 600 feet of a~~  
2491 ~~community location or within 300 feet of an area zoned exclusively for residential use, as~~  
2492 ~~measured from the nearest entrance to the space and following the shortest route or ordinary~~  
2493 ~~pedestrian travel to the property boundary of the community location or residential area.] a~~  
2494 ~~cardholder under this section is not subject to prosecution for the possession of:~~

2495 (i) no more than 113 grams of marijuana in a medicinal dosage form;

2496 (ii) an amount of cannabis product in a medicinal dosage form that contains no more  
2497 than 20 grams of tetrahydrocannabinol; or

2498 (iii) marijuana drug paraphernalia.

2499 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
2500 Utah Administrative Rulemaking Act, a process to provide information regarding the following  
2501 to an individual receiving a medical cannabis card:

2502 (a) risks associated with medical cannabis treatment;

2503 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
2504 medical cannabis treatment is an effective treatment or cure for that condition, as described in  
2505 Subsection 26-61a-105(1); and

2506 (c) other relevant warnings and safety information that the department determines.

2507 ~~[(7)]~~ (9) The department may establish procedures~~[-]~~ by rule, in accordance with Title  
 2508 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the ~~[medical cannabis~~  
 2509 ~~card]~~ application and issuance provisions of this section.

2510 ~~[(8)]~~ (10) (a) A person may submit, to the department~~[-]~~ a request to conduct a medical  
 2511 research study using medical cannabis cardholder data ~~[contained in]~~ that the state electronic  
 2512 verification system contains.

2513 (b) The department shall review a request ~~[submitted under]~~ described in Subsection  
 2514 ~~[(8)(a)]~~ (10)(a) to determine ~~[if]~~ whether the medical research study is valid.

2515 (c) If the department ~~[determines]~~ makes a determination under Subsection (10)(b) that  
 2516 the medical research study is valid ~~[under Subsection (8)(b)]~~, the department shall notify ~~[a]~~  
 2517 each relevant ~~[medical cannabis]~~ cardholder asking for the ~~[medical cannabis]~~ cardholder's  
 2518 ~~[participation]~~ consent to participate in the study.

2519 (d) The department may release, for the purposes of a study described in this  
 2520 Subsection (10), information about a ~~[medical cannabis]~~ cardholder under this section who  
 2521 consents to ~~[participation]~~ participate under Subsection ~~[(8)(c)]~~ (10)(c).

2522 (e) The department may establish standards for a medical research study's validity, by  
 2523 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2524 Section 60. Section **26-61a-202**, which is renumbered from Section 26-60B-202 is  
 2525 renumbered and amended to read:

2526 ~~[26-60B-202]~~. **26-61a-202. Medical cannabis caregiver card -- Registration**  
 2527 **-- Renewal -- Revocation.**

2528 (1) ~~[An individual]~~ A cardholder described in Section 26-61a-201 may designate up to  
 2529 two individuals to serve as a designated ~~[caregivers]~~ caregiver for the ~~[individual]~~ cardholder  
 2530 if~~[-]~~

2531 ~~[(a) the individual has a valid medical cannabis card under Section 26-60b-201; and]~~

2532 ~~[(b) a physician]~~ a qualified medical provider determines that, due to physical difficulty  
 2533 or undue hardship, the ~~[individual]~~ cardholder needs assistance to obtain the medical cannabis  
 2534 ~~[or a cannabis product from a cannabis dispensary]~~ treatment that the qualified medical  
 2535 provider recommends.

2536 (2) An individual ~~[registered]~~ that the department registers as a designated caregiver  
 2537 under this section;

2538 (a) may~~[-(a)]~~ carry a valid medical cannabis caregiver card [~~with the designating~~  
2539 ~~patient's name and the designated caregiver's name~~];

2540 (b) [~~purchase, possess, and transport,~~] in accordance with this chapter, may purchase,  
2541 possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a  
2542 cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the  
2543 designating [~~patient~~] medical cannabis cardholder;

2544 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
2545 or for a service that the designated caregiver provides in relation to the role as a designated  
2546 caregiver;

2547 [~~(c)~~] (d) may accept reimbursement from the designating [~~patient~~] medical cannabis  
2548 cardholder for direct costs [~~incurred by~~] the designated caregiver incurs for assisting with the  
2549 designating [~~patient's~~] cardholder's medicinal use of cannabis; and

2550 [~~(d)~~] (e) [~~after January 1, 2021,~~] if neither a licensed medical cannabis [~~dispensary~~]  
2551 pharmacy nor the state central fill medical cannabis pharmacy is [~~not~~] operating within [~~100~~  
2552 ~~miles of the designating patient's primary residence, assist the designating patient with growing~~  
2553 ~~up to six cannabis plants for personal medicinal use within an enclosed and locked space and~~  
2554 ~~not within view from a public place and that is not within 600 feet of a community location or~~  
2555 ~~within 300 feet of an area zoned exclusively for residential use, as measured from the nearest~~  
2556 ~~entrance to the space and following the shortest route or ordinary pedestrian travel to the~~  
2557 ~~property boundary of the community location or residential area]~~ the state after January 1,  
2558 2021, is not subject to prosecution for the possession of marijuana or tetrahydrocannabinol in a  
2559 medicinal dosage form or marijuana drug paraphernalia.

2560 (3) (a) The department shall~~[-];~~;

2561 (i) within [~~30~~] 15 days after the day on which an individual submits an application in  
2562 compliance with this section, issue a medical cannabis card to [~~an individual designated as a~~  
2563 ~~caregiver under Subsection (1) and who complies with this section.~~] the applicant if the  
2564 applicant:

2565 (A) is designated as a caregiver under Subsection (1);

2566 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

2567 (C) complies with this section; and

2568 (ii) notify the Department of Public Safety of each individual that the department

2569 registers as a designated caregiver.

2570 (b) The department shall ensure that a medical cannabis caregiver card contains the  
2571 information described in Subsection (5)(b).

2572 (4) An individual is eligible for a medical cannabis [~~card as a designated~~] caregiver  
2573 card if the individual:

2574 (a) is at least [~~18~~] 21 years old;

2575 (b) is a Utah resident;

2576 (c) pays[;] to the department[;] a fee [~~established by~~] in an amount that, subject to  
2577 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the  
2578 cost of [a] the criminal background check [~~required by~~] described in Section [~~26-60b-203~~]  
2579 26-61a-203; and

2580 (d) signs an acknowledgment stating that the applicant received the information  
2581 described in Subsection 26-61a-201(8); and

2582 [~~(d)~~] (e) has not been convicted of [~~an~~] a misdemeanor or felony drug distribution  
2583 offense that is a felony under either state or federal law, unless the individual completes any  
2584 imposed sentence [~~imposed was completed seven~~] two or more years [~~earlier~~] before the day on  
2585 which the individual submits the application.

2586 (5) An [~~individual who is~~] eligible applicant for a medical cannabis caregiver card [~~as a~~  
2587 designated caregiver] shall:

2588 (a) submit an application for a medical cannabis caregiver card to the department [~~via~~]  
2589 through an electronic application connected to the state electronic verification system; and  
2590 [~~shall include the individual's~~]

2591 (b) submit the following information in the application described in Subsection (5)(a):

2592 (i) the applicant's name, gender, age, and address [~~and~~];

2593 (ii) the name, gender, age, and address of the [~~patient that~~] cardholder described in  
2594 Section 26-61a-201 who designated the [~~individual under Subsection (1)-~~] applicant; and

2595 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,  
2596 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical  
2597 cannabis guardian cardholder.

2598 (6) [~~A~~] Except as provided in Subsection (6)(b), a medical cannabis caregiver card  
2599 [~~issued by~~] that the department issues under this section is valid for the lesser of:

2600 (a) an amount of time [~~determined by the physician, by the patient, or 6 months;~~] that  
 2601 the cardholder described in Section 26-61a-201 who designated the caregiver determines; or  
 2602 (b) the amount of time remaining before the card of the cardholder described in Section  
 2603 26-61a-201 expires.

2604 (7) [~~A medical cannabis card is renewable for a designated caregiver if, at the time of~~  
 2605 ~~renewal;~~]  
 2606 [(~~a~~) ~~the individual with a medical cannabis card described in Subsection (1) renews the~~  
 2607 ~~caregiver's designation; and]~~  
 2608 [(~~b~~) ~~the~~]  
 2609 (a) If a designated caregiver meets the requirements of Subsection (4)[-], the designated  
 2610 caregiver's medical cannabis caregiver card renews automatically at the time the cardholder  
 2611 described in Section 26-61a-201 who designated the caregiver:  
 2612 (i) renews the cardholder's card; and  
 2613 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).  
 2614 (b) The department shall provide a method in the card renewal process to allow a  
 2615 cardholder described in Section 26-61a-201 who has designated a caregiver to:  
 2616 (i) signify that the cardholder renews the caregiver's designation;  
 2617 (ii) remove a caregiver's designation; or  
 2618 (iii) designate a new caregiver.

2619 [(~~8~~) ~~A designated caregiver may not charge an individual a fee to act as the individual's~~  
 2620 ~~designated caregiver or for services provided.]  
 2621 [(~~9~~)] (8) The [~~Department of Health~~] department may revoke a [~~designated caregiver's~~]  
 2622 medical cannabis caregiver card if the [individual] designated caregiver:  
 2623 (a) violates this chapter; or  
 2624 (b) is convicted [of an offense that is a felony] under [either] state or federal law of:  
 2625 (i) a felony; or  
 2626 (ii) after the effective date of this bill, a misdemeanor for drug distribution.~~

2627 Section 61. Section **26-61a-203**, which is renumbered from Section 26-60B-203 is  
 2628 renumbered and amended to read:  
 2629 [~~26-60B-203~~]. **26-61a-203. Designated caregiver -- Guardian -- Criminal**  
 2630 **background check.**

2631 (1) ~~[An individual registered as a designated caregiver]~~ Each applicant for a medical  
 2632 cannabis guardian card under Section ~~[26-60b-202]~~ 26-61a-201 or a medical cannabis  
 2633 caregiver card under Section 26-61a-202 shall submit ~~[to a criminal background check in~~  
 2634 accordance with Subsection (2):]

2635 ~~[(2) Each designated caregiver shall]~~ to the department, at the time of application:

2636 (a) ~~[submit, to the department,]~~ a fingerprint card in a form acceptable to the  
 2637 department ~~[and the Department of Public Safety]; and~~

2638 (b) consent to a fingerprint background check by ~~[-(i)]~~ the Utah Bureau of Criminal  
 2639 Identification ~~[-]~~ and ~~[(i)]~~ the Federal Bureau of Investigation, including registration in the FBI  
 2640 Rap Back System, as that term is defined in Section 53-10-108.

2641 ~~[(3)] (2)~~ The department shall request that the Department of Public Safety [shall]  
 2642 complete a Federal Bureau of Investigation [Criminal Background Check] criminal background  
 2643 check under Section 53-10-117 for each [designated caregiver under Subsection (2) and report  
 2644 the results of the background check to the department.] applicant described in Subsection (1).

2645 Section 62. Section **26-61a-204**, which is renumbered from Section 26-60B-204 is  
 2646 renumbered and amended to read:

2647 ~~[26-60B-204].~~ **26-61a-204. Medical cannabis card -- Patient and designated**  
 2648 **caregiver requirements -- Rebuttable presumption.**

2649 (1) (a) ~~[An individual who has a]~~ A medical cannabis [card and] cardholder who  
 2650 possesses cannabis in a medicinal dosage form or a cannabis product [outside of] in a  
 2651 medicinal dosage form that the [individual's residence] cardholder purchased under this chapter  
 2652 shall:

2653 ~~[(a)] (i)~~ carry[-, with the individual] at all times[-] the [individual's] cardholder's  
 2654 medical cannabis card;

2655 ~~[(b)] (ii)~~ carry, with the cannabis in a medicinal dosage form or cannabis product in a  
 2656 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

2657 (A) was [originally] sold from a licensed medical cannabis [dispensary and] pharmacy  
 2658 or the state central fill medical cannabis pharmacy; and

2659 (B) includes an identification number that links the cannabis or cannabis product to the  
 2660 inventory control system; and

2661 ~~[(c)] (iii)~~ possess not more than [four ounces]:

2662 (A) 113 grams of unprocessed cannabis; or  
 2663 (B) an amount of cannabis product that contains 20 [or fewer] grams of total composite  
 2664 tetrahydrocannabinol [or cannabidiol].

2665 (b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form  
 2666 or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

2667 (i) guilty of an infraction; and  
 2668 (ii) subject to a \$100 fine.

2669 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of  
 2670 unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40  
 2671 grams of total composite tetrahydrocannabinol is:

2672 (i) guilty of a class B misdemeanor; and  
 2673 (ii) subject to a fine of \$1,000.

2674 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is  
 2675 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the  
 2676 conduct underlying the penalty described in Subsection (1)(b) or (c).

2677 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed  
 2678 cannabis or a total amount of cannabis product that contains more than 40 grams of total  
 2679 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,  
 2680 Utah Controlled Substances Act.

2681 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same  
 2682 as that term is defined in Section 31A-22-627.

2683 ~~[(a)]~~ (b) Except as described in Subsection [(2)(b), an individual who has] (2)(c), a  
 2684 medical cannabis [card] patient cardholder or a provisional patient cardholder may not use, in  
 2685 public view, cannabis or a cannabis product [in public view].

2686 ~~[(b)]~~ (c) [An] In the event of an emergency medical condition, an individual described  
 2687 in Subsection (2)(b) may use [cannabis or a cannabis product], and the holder of a medical  
 2688 cannabis guardian card or a medical cannabis caregiver card may administer to the cardholder's  
 2689 charge, in public view [in the event of a medical emergency], cannabis in a medicinal dosage  
 2690 form or a cannabis product in a medicinal dosage form.

2691 (3) If [an individual] a medical cannabis cardholder carrying the cardholder's card  
 2692 possesses cannabis in a medicinal dosage form or a cannabis product in compliance with

2693 Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis  
2694 product:

2695 (a) there is a rebuttable presumption that the ~~[individual]~~ cardholder possesses the  
2696 cannabis, cannabis product, or medical cannabis device legally; and

2697 (b) ~~[a law enforcement officer does not have]~~ there is no probable cause, based solely  
2698 on the ~~[individual's]~~ cardholder's possession of the cannabis, cannabis product, or medical  
2699 cannabis device, to believe that the ~~[individual]~~ cardholder is engaging in illegal activity.

2700 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a  
2701 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis  
2702 device, and the individual represents to the law enforcement officer that the individual holds a  
2703 valid medical cannabis card, but the individual does not have the medical cannabis card in the  
2704 individual's possession at the time of the stop by the law enforcement officer, the law  
2705 enforcement officer shall attempt to access the state electronic verification system to determine  
2706 whether the individual holds a valid medical cannabis card.

2707 (b) If the law enforcement officer is able to verify that the individual described in  
2708 Subsection (4)(a) ~~[holds]~~ is a valid medical cannabis ~~[card]~~ cardholder, the law enforcement  
2709 officer:

2710 (i) may not arrest or take the individual into custody for the sole reason that the  
2711 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a  
2712 medicinal dosage form, or a medical cannabis device; and

2713 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

2714 ~~[(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis~~  
2715 ~~device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject~~  
2716 ~~to a \$100 fine.]~~

2717 Section 63. Section **26-61a-205** is enacted to read:

2718 **26-61a-205. Lost or stolen medical cannabis card.**

2719 (1) If a medical cannabis card is lost or stolen, the medical cannabis cardholder shall  
2720 report the lost or stolen card to the department.

2721 (2) Upon receiving the report described in Subsection (1), the department shall  
2722 designate the medical cannabis card as lost or stolen in the state electronic verification system.

2723 (3) A medical cannabis pharmacy agent or a local health department distribution agent



2724 may confiscate a medical cannabis card that is designated as lost or stolen in accordance with  
 2725 Subsection (2) if an individual presents the card at the relevant medical cannabis pharmacy or  
 2726 local health department.

2727 (4) To request a new medical cannabis card, the medical cannabis cardholder described  
 2728 in Subsection (1) shall:

2729 (a) complete a form that the department designates; and

2730 (b) pay a fee in an amount that, subject to Subsection 26-61a-109(5), the department  
 2731 sets in accordance with Section 63J-1-504.

2732 Section 64. Section **26-61a-301**, which is renumbered from Section 26-60B-301 is  
 2733 renumbered and amended to read:

2734 **Part 3. Medical Cannabis Pharmacy License.**

2735 ~~[26-60B-301].~~ **26-61a-301. Medical cannabis pharmacy -- License --**  
 2736 **Eligibility.**

2737 (1) A person may not operate as a medical cannabis ~~[dispensary]~~ pharmacy without a  
 2738 license ~~[issued by]~~ that the department ~~[issued]~~ issues under this part.

2739 (2) (a) Subject to ~~[Subsections (5)]~~ Subsection (4) and to Section ~~[26-60b-304]~~  
 2740 26-61a-305, the department shall, ~~[within 90 business days after receiving a complete~~  
 2741 application] in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license  
 2742 to operate a medical cannabis ~~[dispensary]~~ pharmacy to ~~[a person who]~~ an applicant who is  
 2743 eligible for a license under this section.

2744 (b) An applicant is eligible for a license under this section if the applicant submits to  
 2745 the department:

2746 ~~[(a)]~~ (i) subject to Subsection (2)(b), a proposed name and address where the ~~[person]~~  
 2747 applicant will operate the medical cannabis ~~[dispensary]~~ pharmacy ~~[that is not within 600 feet~~  
 2748 of a community location or within 300 feet of an area zoned exclusively for residential use, as  
 2749 measured from the nearest entrance to the cannabis production establishment by following the  
 2750 shortest route of ordinary pedestrian travel to the property boundary of the community location  
 2751 or residential area];

2752 ~~[(b)]~~ (ii) the name and address of ~~[any]~~ an individual who;

2753 (A) has a financial or voting interest of ~~[two percent]~~ 2% or greater in the proposed  
 2754 medical cannabis ~~[dispensary]~~ pharmacy; or ~~[who]~~

2755 (B) has the power to direct or cause the management or control of a proposed cannabis  
2756 production establishment;

2757 ~~[(c)]~~ (iii) ~~[financial statements demonstrating that the person possesses a minimum of~~  
2758 ~~\$250,000 in liquid assets available]~~ evidence that the applicant has obtained and maintains a  
2759 performance bond that a surety authorized to transact surety business in the state issues in an  
2760 amount of at least \$125,000 for each application [submitted] that the applicant submits to the  
2761 department;

2762 ~~[(d)]~~ (iv) an operating plan that:

2763 (A) complies with Section ~~[26-60b-303]~~ 26-61a-204; and ~~[that]~~

2764 (B) includes operating procedures to comply with the operating requirements for a  
2765 medical cannabis [dispensary] pharmacy described in this chapter and with~~[any laws adopted~~  
2766 ~~by the municipality]~~ a relevant municipal or county law that ~~[are]~~ is consistent with Section  
2767 ~~[26-60b-506]~~ 26-61a-507;

2768 ~~[(e)]~~ if the municipality or county where the proposed cannabis production  
2769 establishment would be located has enacted zoning restrictions, a sworn statement certifying  
2770 that the proposed cannabis dispensary is in compliance with the restrictions;]

2771 ~~[(f)]~~ (v) if the municipality or county where the proposed medical cannabis  
2772 ~~[dispensary] pharmacy~~ would be located requires a local land use permit ~~[or license]~~, a copy of  
2773 the person's approved application for the local land use permit or license; and

2774 ~~[(g)]~~ (vi) an application fee ~~[established by]~~ in an amount that, subject to Subsection  
2775 26-61a-109(5), the department sets in accordance with Section 63J-1-504 ~~[that is necessary to~~  
2776 ~~cover the department's cost to implement this part;]~~.

2777 (c) (i) A person may locate a medical cannabis pharmacy in or within 600 feet of an  
2778 area that the relevant municipality or county has zoned as residential.

2779 (ii) An applicant for a license under this section shall provide evidence of compliance  
2780 with the proximity requirement described in Subsection (2)(c)(i).

2781 (d) If the department receives more than one application for a medical cannabis  
2782 pharmacy within the same city or town, the department shall consult with the local land use  
2783 authority before approving any of the applications pertaining to that city or town.

2784 ~~[(4)]~~ (3) If the department determines that ~~[a cannabis dispensary]~~ an applicant is  
2785 eligible for a license under this section, the department shall:

2786 (a) charge the ~~[cannabis dispensary]~~ applicant an initial license fee in an amount  
 2787 ~~[determined by]~~ that, subject to Subsection 26-61a-109(5), the department sets in accordance  
 2788 with Section 63J-1-504[-]; and

2789 (b) notify the Department of Public Safety of the license approval and the names of  
 2790 each individual described in Subsection (2)(b)(ii).

2791 ~~[(5)]~~ (4) The department may not issue a license to operate a medical cannabis  
 2792 ~~[dispensary]~~ pharmacy to an applicant if ~~[any]~~ an individual ~~[who has a financial or voter~~  
 2793 interest of two percent or greater in the cannabis dispensary applicant or who has power to  
 2794 direct or cause the management or control of the applicant] described in Subsection (2)(b)(ii):

2795 (a) has been convicted ~~[of an offense that is a felony]~~ under ~~[either]~~ state or federal  
 2796 law~~[-or]~~ of:

2797 (i) a felony; or

2798 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

2799 (b) is ~~[less]~~ younger than 21 years ~~[of age]~~ old.

2800 ~~[(6)]~~ (5) The department may revoke a license under this part if:

2801 (a) the medical cannabis ~~[dispensary is not operating]~~ pharmacy does not begin  
 2802 operations within one year ~~[of the issuance of]~~ after the day on which the department issues the  
 2803 initial license[-];

2804 (b) the medical cannabis pharmacy makes the same violation of this chapter three  
 2805 times; or

2806 (c) an individual described in Subsection (2)(a)(ii) is convicted, while the license is  
 2807 active, under state or federal law of:

2808 (i) a felony; or

2809 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2810 ~~[(7)]~~ (6) The department shall deposit the proceeds of a fee imposed by this section in  
 2811 the ~~[Medical Cannabis Restricted]~~ Qualified Patient Enterprise Account.

2812 ~~[(8)]~~ (7) The department shall begin accepting applications under this part ~~[no later~~  
 2813 than] on or before March 1, 2020.

2814 (8) The department's authority to issue a license under this section is plenary and is not  
 2815 subject to review.

2816 Section 65. Section ~~26-61a-302~~, which is renumbered from Section 26-60B-402 is

2817 renumbered and amended to read:

2818 ~~[26-60B-402]~~. **26-61a-302. Medical cannabis pharmacy owners and**  
 2819 **directors -- Criminal background checks.**

2820 (1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the  
 2821 time of application, from each individual who has a financial or voting interest of ~~[two percent]~~  
 2822 2% or greater in the applicant or who has the power to direct or cause the management or  
 2823 control of the applicant:

2824 (a) a fingerprint card in a form acceptable to the department; and

2825 (b) consent to a fingerprint background check by the Utah Bureau of Criminal  
 2826 Identification and the Federal Bureau of Investigation, including registration in the FBI Rap  
 2827 Back System, as that term is defined in Section 53-10-108.

2828 (2) The department shall request that the Department of Public Safety complete a  
 2829 Federal Bureau of Investigation criminal background check under Section 53-10-117 for each  
 2830 individual described in Subsection (1).

2831 Section 66. Section **26-61a-303**, which is renumbered from Section 26-60B-302 is  
 2832 renumbered and amended to read:

2833 ~~[26-60B-302]~~. **26-61a-303. Renewal.**

2834 (1) ~~[Except as provided in Subsection (3), the]~~ The department shall renew a ~~[person's]~~  
 2835 license under this part every ~~[two years]~~ year if, at the time of renewal:

2836 (a) the ~~[person]~~ licensee meets the requirements of Section ~~[26-60b-301]~~ 26-61a-301;  
 2837 and

2838 (b) the ~~[person]~~ licensee pays the department a license renewal fee in an amount  
 2839 ~~[determined by]~~ that, subject to Subsection 26-61a-109(5), the department sets in accordance  
 2840 with Section 63J-1-504.

2841 (2) (a) If a licensed medical cannabis ~~[dispensary]~~ pharmacy abandons the medical  
 2842 cannabis ~~[dispensary's]~~ pharmacy's license, the department shall publish notice of an available  
 2843 license:

2844 (i) in a newspaper of general circulation for the geographic area in which the medical  
 2845 cannabis ~~[dispensary]~~ pharmacy license is available; or

2846 (ii) on the Utah Public Notice Website established in Section 63F-1-701.

2847 (b) The department may establish criteria, in collaboration with the Division of

2848 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
 2849 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~[for what actions by a]~~ to identify  
 2850 the medical cannabis ~~[dispensary]~~ pharmacy actions that constitute abandonment of a medical  
 2851 cannabis ~~[dispensary]~~ pharmacy license.

2852 Section 67. Section **26-61a-304**, which is renumbered from Section 26-60B-303 is  
 2853 renumbered and amended to read:

2854 ~~[26-60B-303].~~ **26-61a-304. Operating plan.**

2855 ~~[(+)]~~ A person applying for a medical cannabis ~~[dispensary]~~ pharmacy license shall  
 2856 submit to the department a proposed operation plan for the medical cannabis ~~[dispensary]~~  
 2857 pharmacy that complies with this section and that includes:

2858 ~~[(a)]~~ (1) a description of the physical characteristics of the proposed facility, including  
 2859 a floor plan and an architectural elevation;

2860 ~~[(b)]~~ (2) a description of the credentials and experience of:

2861 ~~[(+)]~~ (a) each officer, director, or owner of the proposed medical cannabis ~~[dispensary]~~  
 2862 pharmacy; and

2863 ~~[(+)]~~ (b) any highly skilled or experienced prospective employee;

2864 ~~[(c)]~~ (3) the medical cannabis ~~[dispensary's]~~ pharmacy's employee training standards;

2865 ~~[(d)]~~ (4) a security plan; ~~[and]~~

2866 ~~[(e)]~~ (5) a description of the medical cannabis ~~[dispensary's]~~ pharmacy's inventory  
 2867 control system, including a plan to make the inventory control system compatible with the state  
 2868 electronic verification system~~[-]; and~~

2869 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a  
 2870 manner that is sanitary and preserves the integrity of the cannabis.

2871 Section 68. Section **26-61a-305**, which is renumbered from Section 26-60B-304 is  
 2872 renumbered and amended to read:

2873 ~~[26-60B-304].~~ **26-61a-305. Maximum number of licenses.**

2874 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(b), the department may not issue  
 2875 more than [the greater of, in each county in the state:] seven medical cannabis pharmacy  
 2876 licenses.

2877 ~~[(a) one cannabis dispensary license; or]~~

2878 ~~[(b) an amount of cannabis dispensary licenses equal to the number of residents in the~~

2879 ~~county divided by 150,000, rounded up to the nearest greater whole number.]~~

2880 (b) (i) In addition to the licenses described in Subsection (1)(a), the department shall  
2881 issue an eighth license if the state central fill medical cannabis pharmacy:

2882 (A) is not operational by January 1, 2021; or

2883 (B) ceases operations after January 1, 2021.

2884 (ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the  
2885 department shall issue a ninth license if the state central fill medical cannabis pharmacy:

2886 (A) is not operational by July 1, 2021; or

2887 (B) ceases operations after July 1, 2021.

2888 (iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),  
2889 the department shall issue a tenth license if the state central fill medical cannabis pharmacy:

2890 (A) is not operational by January 1, 2022; or

2891 (B) ceases operations after January 1, 2022.

2892 (iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and  
2893 (iii), if a final order of a court enjoins or invalidates the operation of the state central fill  
2894 medical cannabis pharmacy.

2895 (2) If there are more qualified applicants than there are available licenses for medical  
2896 cannabis [dispensaries] pharmacies, the department shall:

2897 (a) evaluate [the applicants] each applicant and award the license to the applicant that  
2898 best demonstrates:

2899 ~~[(a)]~~ (i) experience with establishing and successfully operating a business that  
2900 involves complying with a regulatory environment, tracking inventory, and training, evaluating,  
2901 and monitoring employees;

2902 ~~[(b)]~~ (ii) an operating plan that will best ensure the safety and security of patrons and  
2903 the community;

2904 ~~[(c)]~~ (iii) positive connections to the local community;

2905 ~~[(d)]~~ (iv) the suitability of the proposed location and [its] the location's accessibility for  
2906 qualifying patients; and

2907 ~~[(e)]~~ (v) the extent to which the applicant can reduce the cost of cannabis or cannabis  
2908 products for patients[-]; and

2909 (b) ensure a geographic dispersal among licensees that is sufficient to reasonably

2910 maximize access to the largest number of medical cannabis cardholders.

2911 (3) The department may conduct a face-to-face interview with an applicant for a  
2912 license that the department evaluates under Subsection (2).

2913 Section 69. Section **26-61a-401**, which is renumbered from Section 26-60B-401 is  
2914 renumbered and amended to read:

2915 **Part 4. Medical Cannabis Pharmacy Agents**

2916 ~~[26-60B-401].~~ **26-61a-401. Medical cannabis pharmacy agent --**

2917 **Registration.**

2918 (1) An individual may not serve as a medical cannabis [dispensary] pharmacy agent of  
2919 a medical cannabis [dispensary] pharmacy unless ~~[the individual is registered by]~~ the  
2920 department registers the individual as a medical cannabis [dispensary] pharmacy agent.

2921 (2) ~~[A physician]~~ Except as provided in Section 26-61a-403, the following individuals,  
2922 regardless of the individual's status as a qualified medical provider, may not act as a medical  
2923 cannabis [dispensary] pharmacy agent[-], have a financial or voting interest of 2% or greater in  
2924 a medical cannabis pharmacy, or have the power to direct or cause the management or control  
2925 of a medical cannabis pharmacy:

2926 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
2927 58, Chapter 68, Utah Osteopathic Medical Practice Act;

2928 (b) a physician's assistant licensed under Title 58, Chapter 70a, Physician Assistant  
2929 Act; or

2930 (c) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2931 Practice Act.

2932 (3) (a) The department shall, within 15 days after ~~[receiving]~~ the day on which the  
2933 department receives a complete application from a medical cannabis [dispensary] pharmacy on  
2934 behalf of a prospective medical cannabis [dispensary] pharmacy agent, register and issue a  
2935 medical cannabis [dispensary] pharmacy agent registration card to [an individual who] the  
2936 prospective agent if the medical cannabis pharmacy:

2937 ~~[(a)]~~ (i) provides to the department:

2938 (A) the ~~[individual's]~~ prospective agent's name and address [and];

2939 (B) the name and location of the licensed medical cannabis [dispensary] pharmacy  
2940 where the ~~[individual]~~ prospective agent seeks to act as the medical cannabis [dispensary]

2941 pharmacy agent; and  
2942 (C) a fingerprint card in a form acceptable to the department for the prospective agent;  
2943 and  
2944 (D) the prospective agent's consent to a fingerprint background check by the Utah  
2945 Bureau of Criminal Identification and the Federal Bureau of Investigation, including  
2946 registration in the FBI Rap Back System, as that term is defined in Section 53-10-108; and  
2947 ~~[(b)]~~ (ii) pays a fee to the department[;] in an amount [determined by] that, subject to  
2948 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504[;that is  
2949 necessary to cover the department's cost to implement this part].  
2950 (b) The department shall request that the Department of Public Safety complete a  
2951 Federal Bureau of Investigation criminal background check under Section 53-10-117 for each  
2952 prospective agent described in Subsection (3)(a).  
2953 (c) The department shall notify the Department of Public Safety of each individual that  
2954 the department registers as a medical cannabis pharmacy agent.  
2955 (4) The department shall designate, on an individual's medical cannabis [dispensary]  
2956 pharmacy agent registration card[;] the name of the medical cannabis [dispensary] pharmacy  
2957 where the individual is registered as an agent.  
2958 (5) A medical cannabis [dispensary] pharmacy agent shall comply with a certification  
2959 standard [developed by the department] that the department develops in collaboration with the  
2960 Division of Occupational and Professional Licensing and the Board of Pharmacy, or a [third  
2961 party] third-party certification standard [designated by] that the department[;] designates by  
2962 rule [made], in collaboration with the Division of Occupational and Professional Licensing and  
2963 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
2964 Rulemaking Act.  
2965 (6) The department shall ensure that the certification standard described in Subsection  
2966 (5) [shall include] includes training in:  
2967 (a) Utah medical cannabis law; and  
2968 (b) medical cannabis [dispensary] pharmacy best practices.  
2969 (7) The department may revoke [or refuse to issue] the medical cannabis [dispensary]  
2970 pharmacy agent registration card of or refuse to issue a medical cannabis pharmacy agent  
2971 registration card to an individual who:



2972 (a) violates the requirements of this chapter; or

2973 (b) is convicted [~~of an offense that is a felony~~] under state or federal law[:] of:

2974 (i) a felony; or

2975 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2976 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the

2977 day on which the department issues or renews the card.

2978 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the

2979 agent:

2980 (i) is eligible for a medical cannabis pharmacy agent registration card under this

2981 section;

2982 (ii) certifies to the department in a renewal application that the information in

2983 Subsection (3)(a) is accurate or updates the information; and

2984 (iii) pays to the department a renewal fee in an amount that:

2985 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with

2986 Section 63J-1-504; and

2987 (B) may not exceed the cost of the relatively lower administrative burden of renewal in

2988 comparison to the original application process.

2989 Section 70. Section ~~26-61a-402~~, which is renumbered from Section 26-60B-403 is

2990 renumbered and amended to read:

2991 ~~[26-60B-403].~~ **26-61a-402. Medical cannabis pharmacy agent registration**

2992 **card -- Rebuttable presumption.**

2993 (1) A medical cannabis [~~dispensary~~] pharmacy agent [~~who is registered with the~~

2994 ~~department under section 26-60b-401~~] shall carry the individual's medical cannabis

2995 [~~dispensary~~] pharmacy agent registration card with the individual at all times when:

2996 (a) the individual is on the premises of a medical cannabis [~~dispensary~~] pharmacy; and

2997 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis

2998 product in a medicinal dosage form, or a medical cannabis device between [~~two cannabis~~

2999 ~~production establishments or between~~] a cannabis production establishment and a medical

3000 cannabis [~~dispensary~~] pharmacy.

3001 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal

3002 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [~~at a~~

3003 ~~cannabis dispensary,~~] or transporting cannabis in a medicinal dosage form, a cannabis product  
 3004 in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis  
 3005 product, or medical cannabis device in compliance with Subsection (1):

3006 (a) there is a rebuttable presumption that the individual possesses the cannabis,  
 3007 cannabis product, or medical cannabis device legally; and

3008 (b) ~~[a law enforcement officer does not have]~~ there is no probable cause, based solely  
 3009 on the individual's possession of the cannabis, cannabis product, or medical cannabis device in  
 3010 compliance with Subsection (1), ~~[to believe]~~ that the individual is engaging in illegal activity.

3011 (3) (a) ~~[An individual who violates]~~ A medical cannabis pharmacy agent who fails to  
 3012 carry the agent's medical cannabis pharmacy agent registration card in accordance with  
 3013 Subsection (1) is:

3014 (i) for a first or second offense in a two-year period:

3015 ~~[(a)]~~ (A) guilty of an infraction; and

3016 ~~[(b)]~~ (B) is subject to a \$100 fine[-:]; or

3017 (ii) for a third or subsequent offense in a two-year period:

3018 (A) guilty of a class C misdemeanor; and

3019 (B) subject to a \$750 fine.

3020 (b) (i) The prosecuting entity shall notify the department and the relevant medical  
 3021 cannabis pharmacy of each conviction under Subsection (3)(a).

3022 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
 3023 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule  
 3024 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
 3025 Administrative Rulemaking Act.

3026 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not  
 3027 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
 3028 underlying the violation described in Subsection (3)(a).

3029 Section 71. Section **26-61a-403** is enacted to read:

3030 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

3031 (1) (a) A medical cannabis pharmacy:

3032 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy

3033 Practice Act, as a pharmacy medical provider;

3034 (ii) may employ a physician who has the authority to write a prescription and is  
3035 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
3036 Osteopathic Medical Practice Act, as a pharmacy medical provider;

3037 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)  
3038 works onsite during all business hours; and

3039 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as  
3040 the pharmacist-in-charge to oversee the operation of and generally supervise the medical  
3041 cannabis pharmacy.

3042 (b) An individual may not serve as a pharmacy medical provider unless the department  
3043 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

3044 (2) (a) The department shall, within 15 days after the day on which the department  
3045 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy  
3046 medical provider, register and issue a pharmacy medical provider registration card to the  
3047 prospective pharmacy medical provider if the medical cannabis pharmacy:

3048 (i) provides to the department:

3049 (A) the prospective pharmacy medical provider's name and address;

3050 (B) the name and location of the licensed medical cannabis pharmacy where the  
3051 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

3052 (C) a report detailing the completion of the continuing education requirement described  
3053 in Subsection (3); and

3054 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is  
3055 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the  
3056 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical  
3057 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3058 (ii) pays a fee to the department in an amount that, subject to Subsection  
3059 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3060 (b) The department may not register a qualified medical provider or a state central fill  
3061 medical provider as a pharmacy medical provider.

3062 (3) (a) A pharmacy medical provider shall complete the continuing education described  
3063 in this Subsection (3) in the following amounts:

3064 (i) as a condition precedent to registration, four hours; and

3065 (ii) as a condition precedent to renewal of the registration, four hours every two years.  
3066 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:  
3067 (i) complete continuing education:  
3068 (A) regarding the topics described in Subsection (3)(d); and  
3069 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
3070 continuing education provider that the department recognizes as offering continuing education  
3071 appropriate for the medical cannabis pharmacy practice; and  
3072 (ii) make a continuing education report to the department in accordance with a process  
3073 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
3074 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
3075 Professional Licensing and:  
3076 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,  
3077 Pharmacy Practice Act, the Board of Pharmacy;  
3078 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical  
3079 Practice Act, the Physicians Licensing Board; and  
3080 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah  
3081 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.  
3082 (c) The department may, in consultation with the Division of Occupational and  
3083 Professional Licensing, develop the continuing education described in this Subsection (3).  
3084 (d) The continuing education described in this Subsection (3) may discuss:  
3085 (i) the provisions of this chapter;  
3086 (ii) general information about medical cannabis under federal and state law;  
3087 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
3088 including risks and benefits;  
3089 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
3090 patient in pain management, risk management, potential addiction, and palliative care; or  
3091 (v) best practices for recommending the form and dosage of a medical cannabis  
3092 product based on the qualifying condition underlying a medical cannabis recommendation.  
3093 (4) (a) A pharmacy medical provider registration card expires two years after the day  
3094 on which the department issues or renews the card.  
3095 (b) A pharmacy medical provider may renew the provider's registration card if the

3096 provider:

3097 (i) is eligible for a pharmacy medical provider registration card under this section;

3098 (ii) certifies to the department in a renewal application that the information in

3099 Subsection (2)(a) is accurate or updates the information;

3100 (iii) submits a report detailing the completion of the continuing education requirement

3101 described in Subsection (3); and

3102 (iv) pays to the department a renewal fee in an amount that:

3103 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with

3104 Section 63J-1-504; and

3105 (B) may not exceed the cost of the relatively lower administrative burden of renewal in

3106 comparison to the original application process.

3107 Section 72. Section **26-61a-501**, which is renumbered from Section 26-60B-501 is

3108 renumbered and amended to read:

3109 **Part 5. Medical Cannabis Pharmacy Operation**

3110 ~~[26-60B-501].~~ **26-61a-501. Operating requirements -- General.**

3111 (1) (a) A medical cannabis [dispensary] pharmacy shall operate:

3112 (i) at the physical address provided to the department under Section 26-61a-301; and

3113 (ii) in accordance with the operating plan provided to the department under [Section

3114 ~~26-60b-303]~~ Section 26-61a-301 and, if applicable, 26-61a-304.

3115 (b) A medical cannabis [dispensary] pharmacy shall notify the department before a  
3116 change in the medical cannabis [dispensary's] pharmacy's physical address or operating plan.

3117 (2) ~~[A]~~ An individual may not enter a medical cannabis [dispensary shall operate]

3118 pharmacy unless the individual:

3119 (a) is at least 18 years old; and

3120 ~~[(a)]~~ (b) except as provided in Subsection (5), [in a facility that is accessible only by an  
3121 individual with] possesses a valid:

3122 (i) medical cannabis [dispensary] pharmacy agent registration card; or [a]

3123 (ii) medical cannabis card[; and].

3124 ~~[(b) at the physical address provided to the department under Section 26-60b-301.]~~

3125 (3) A medical cannabis [dispensary] pharmacy may not employ ~~[any person]~~ an

3126 individual who is younger than 21 years ~~[of age]~~ old.

3127 (4) A medical cannabis [~~dispensary shall conduct a background check into the criminal~~  
3128 ~~history of every person who will become an agent of the cannabis dispensary and]~~ pharmacy  
3129 may not employ [~~any person]~~ an individual who has been convicted of [~~an offense that is]~~ a  
3130 felony under [~~either~~] state or federal law.

3131 (5) [~~A~~] Notwithstanding Subsection (2), a medical cannabis [~~dispensary]~~ pharmacy  
3132 may authorize an individual who is not a medical cannabis [~~dispensary]~~ pharmacy agent to  
3133 access the medical cannabis [~~dispensary]~~ pharmacy if the medical cannabis [~~dispensary]~~  
3134 pharmacy tracks and monitors the individual at all times while the individual is at the medical  
3135 cannabis [~~dispensary]~~ pharmacy and maintains a record of the individual's access.

3136 (6) A medical cannabis [~~dispensary]~~ pharmacy shall operate in a facility that has:

3137 (a) a single, secure public entrance;

3138 (b) a security system with a backup power source that:

3139 (i) detects and records entry into the medical cannabis [~~dispensary]~~ pharmacy; and

3140 (ii) provides notice of an unauthorized entry to law enforcement when the medical  
3141 cannabis [~~dispensary]~~ pharmacy is closed; and

3142 (c) a lock on [~~any]~~ each area where the medical cannabis [~~dispensary]~~ pharmacy stores  
3143 cannabis or a cannabis product.

3144 (7) A medical cannabis [~~dispensary]~~ pharmacy shall post, both clearly and  
3145 conspicuously in the medical cannabis [~~dispensary]~~ pharmacy, the limit on the purchase of  
3146 cannabis described in Subsection [~~26-60b-502(3)]~~ 26-61a-502(2).

3147 (8) A medical cannabis [~~dispensary]~~ pharmacy may not allow any individual to  
3148 consume cannabis on the property or premises of the medical cannabis [~~dispensary]~~ pharmacy.

3149 (9) A medical cannabis [~~dispensary]~~ pharmacy may not sell cannabis or a cannabis  
3150 product without first indicating on the cannabis or cannabis product label the name of the  
3151 medical cannabis [~~dispensary]~~ pharmacy.

3152 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
3153 following information regarding each recommendation underlying a transaction:

3154 (i) the qualified medical provider's name, address, and telephone number;

3155 (ii) the patient's name and address;

3156 (iii) the date of issuance;

3157 (iv) dosing parameters or an indication that the qualified medical provider did not

3158 recommend specific dosing parameters; and

3159 (v) if the patient did not complete the transaction, the name of the medical cannabis  
3160 cardholder who completed the transaction.

3161 (b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless  
3162 the cannabis or cannabis product has a label securely affixed to the container indicating the  
3163 following minimum information:

3164 (i) the name, address, and telephone number of the medical cannabis pharmacy;

3165 (ii) the unique identification number that the medical cannabis pharmacy assigns;

3166 (iii) the date of the sale;

3167 (iv) the name of the patient;

3168 (v) the name of the qualified medical provider who recommended the medical cannabis  
3169 treatment;

3170 (vi) directions for use and cautionary statements, if any;

3171 (vii) the amount dispensed and the cannabinoid content;

3172 (viii) the beyond use date; and

3173 (ix) any other requirements that the department determines, in consultation with the  
3174 Division of Occupational and Professional Licensing and the Board of Pharmacy.

3175 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

3176 (a) unless the medical cannabis cardholder has had a consultation under Subsection  
3177 26-61a-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of  
3178 cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling  
3179 with the pharmacy medical provider who is a pharmacist; and

3180 (b) provide a telephone number or website by which the cardholder may contact a  
3181 pharmacy medical provider for counseling.

3182 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program  
3183 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a  
3184 medical cannabis device, or medical cannabis product in a locked box or other secure  
3185 receptacle within the medical cannabis pharmacy.

3186 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
3187 (12)(a) shall ensure that only a medical cannabis pharmacy agent can access deposited medical  
3188 cannabis or medical cannabis products.

3189 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or  
 3190 medical cannabis products by:

3191 (i) rendering the deposited medical cannabis or medical cannabis products unusable  
 3192 and unrecognizable before transporting deposited medical cannabis or medical cannabis  
 3193 products from the medical cannabis pharmacy; and

3194 (ii) disposing of the deposited medical cannabis or medical cannabis products in  
 3195 accordance with:

3196 (A) federal and state law, rules, and regulations related to hazardous waste;

3197 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3198 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3199 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
 3200 3, Utah Administrative Rulemaking Act.

3201 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
 3202 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
 3203 by a medical cannabis pharmacy.

3204 Section 73. Section **26-61a-502**, which is renumbered from Section 26-60B-502 is  
 3205 renumbered and amended to read:

3206 **~~[26-60B-502].~~ 26-61a-502. Dispensing -- Amount a cannabis dispensary**  
 3207 **may dispense -- Reporting -- Form of cannabis or cannabis product.**

3208 (1) (a) A medical cannabis [dispensary] pharmacy may ~~[only]~~ not sell a product other  
 3209 than, subject to this chapter:

3210 ~~[(a)]~~ (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy  
 3211 acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

3212 ~~[(b)]~~ (ii) a cannabis product in a medicinal dosage form that the medical cannabis  
 3213 pharmacy acquired from a cannabis processing facility that is licensed under Section  
 3214 4-41a-201;

3215 ~~[(c)]~~ (iii) a medical cannabis device; or

3216 ~~[(d)]~~ (iv) educational ~~[materials]~~ material related to the medical use of cannabis.

3217 ~~[(2)]~~ (b) A medical cannabis [dispensary] pharmacy may only sell ~~[the items]~~ an item  
 3218 listed in Subsection (1)(a) to an individual with:

3219 (i) a medical cannabis card [issued by the department.]; and



3220 (ii) corresponding identification that is a valid United States federal- or state-issued  
3221 photo identification, including a driver license, a United States passport, a United States  
3222 passport card, or a United States military identification card.

3223 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
3224 cannabis-based drug that the United States Food and Drug Administration has approved.

3225 ~~[(3)]~~ (2) A medical cannabis [dispensary] pharmacy may not dispense [on behalf of any  
3226 one individual with]:

3227 (a) to a medical cannabis [card,] cardholder in any one [14-day] 12-day period, more  
3228 than the lesser of:

3229 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters  
3230 that the relevant qualified medical provider recommends; or

3231 ~~[(a)]~~ (ii) (A) [an amount] 56 grams by weight of unprocessed cannabis that [exceeds  
3232 two ounces by weight] is in a medicinal dosage form and that carries a label clearly displaying  
3233 the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

3234 ~~[(b)]~~ (B) an amount of cannabis products that is in a medicinal dosage form and that  
3235 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol [or  
3236 cannabidiol];

3237 (b) to a medical cannabis cardholder whose primary residence is located more than 100  
3238 miles from the nearest medical cannabis pharmacy or local health department, in any one  
3239 28-day period, more than the lesser of:

3240 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters  
3241 that the relevant qualified medical provider recommends; or

3242 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage  
3243 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and  
3244 cannabidiol in the cannabis; or

3245 (B) an amount of cannabis products that is in a medicinal dosage form and that  
3246 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

3247 (c) to an individual whose qualified medical provider did not recommend dosing  
3248 parameters, until the individual consults with the pharmacy medical provider in accordance  
3249 with Subsection (4), any cannabis or cannabis products.

3250 ~~[(4)]~~ (3) An individual with a medical cannabis card may not purchase:

3251 (a) more cannabis or cannabis products than the amounts designated in Subsection  
3252 ~~[(3)]~~ (2) in any one ~~[14-day]~~ 12-day period[-]; or

3253 (b) if the relevant qualified medical provider did not recommend dosing parameters,  
3254 until the individual consults with the pharmacy medical provider in accordance with  
3255 Subsection (4), any cannabis or cannabis products.

3256 (4) If a qualified medical provider recommends treatment with cannabis or a cannabis  
3257 product but does not provide dosing parameters:

3258 (a) the qualified medical provider shall document in the recommendation:

3259 (i) an evaluation of the qualifying condition underlying the recommendation;  
3260 (ii) prior treatment attempts with cannabis and cannabis products; and  
3261 (iii) the patient's current medication list; and

3262 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal  
3263 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider  
3264 shall:

3265 (i) review pertinent medical records, including the qualified medical provider  
3266 documentation described in Subsection (4)(a); and

3267 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with  
3268 the recommending qualified medical provider as needed, determine the best course of treatment  
3269 through consultation with the cardholder regarding:

3270 (A) the patient's qualifying condition underlying the recommendation from the  
3271 qualified medical provider;

3272 (B) indications for available treatments;  
3273 (C) dosing parameters; and  
3274 (D) potential adverse reactions.

3275 (5) A medial cannabis ~~[dispensary]~~ pharmacy shall:

3276 (a) (i) access the state electronic verification system before dispensing cannabis or a  
3277 cannabis product to ~~[an individual with]~~ a medical cannabis ~~[card]~~ cardholder in order to  
3278 determine if the ~~[individual]~~ cardholder or, where applicable, the associated patient has met the  
3279 maximum amount of cannabis or cannabis products described in Subsection ~~[(3)]~~ (2); and

3280 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the  
3281 maximum amount described in Subsection (2):

3282 (A) decline the sale; and  
3283 (B) notify the qualified medical provider who made the underlying recommendation;  
3284 (b) submit a record to the state electronic verification system each time the medical  
3285 cannabis [dispensary] pharmacy dispenses cannabis or a cannabis product to [an individual  
3286 with] a medical cannabis [card.] cardholder;  
3287 (c) package any cannabis or cannabis product that is in a blister pack in a container  
3288 that:  
3289 (i) complies with Subsection 4-41a-602(2);  
3290 (ii) is tamper-resistant and tamper-evident; and  
3291 (iii) opaque; and  
3292 (d) for a product that is a cube that is designed for ingestion through chewing or  
3293 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
3294 of over-consumption.  
3295 (6) (a) Except as provided in Subsection (6)(b), a medical cannabis [dispensary]  
3296 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device  
3297 that is intentionally designed or constructed to resemble a cigarette.  
3298 (b) A medical cannabis [dispensary] pharmacy may sell a medical cannabis device that  
3299 warms cannabis material into a vapor without the use of a flame and that delivers cannabis to  
3300 an individual's respiratory system.  
3301 (7) A medical cannabis [dispensary] pharmacy may not give [to an individual with a  
3302 medical cannabis card], at no cost, a product that the medical cannabis [dispensary] pharmacy is  
3303 allowed to sell under Subsection (1).  
3304 (8) The department may impose a uniform fee on each medical cannabis cardholder  
3305 transaction in a medical cannabis pharmacy in an amount that, subject to Subsection  
3306 26-61a-109(5), the department sets in accordance with Section 63J-1-504.  
3307 Section 74. Section **26-61a-503** is enacted to read:  
3308 **26-61a-503. Partial filling.**  
3309 (1) As used in this section, "partially fill" means to provide less than the full amount of  
3310 cannabis or cannabis product that the qualified medical provider recommends, if the qualified  
3311 medical provider recommended specific dosing parameters.  
3312 (2) A pharmacy medical provider may partially fill a recommendation for a medical

3313 cannabis treatment at the request of the qualified medical provider who issued the medical  
 3314 cannabis treatment recommendation or the medical cannabis cardholder.

3315 (3) The department shall make rules, in collaboration with the Division of  
 3316 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
 3317 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,  
 3318 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment  
 3319 recommendation.

3320 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a  
 3321 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
 3322 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical  
 3323 cannabis treatment recommendation if:

3324 (a) the pharmacy medical provider determined dosing parameters for the partial fill  
 3325 under Subsection 26-61a-502(4); and

3326 (b) the medical cannabis cardholder reports that:

3327 (i) the partial fill did not substantially affect the qualifying condition underlying the  
 3328 medical cannabis recommendation; or

3329 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
 3330 unable to successfully use the partial fill.

3331 Section 75. Section **26-61a-504**, which is renumbered from Section 26-60B-503 is  
 3332 renumbered and amended to read:

3333 **[26-60B-503]. 26-61a-504. Inspections.**

3334 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis  
 3335 treatment recommendation files and other records in accordance with this chapter, department  
 3336 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.  
 3337 104-191, 110 Stat. 1936, as amended.

3338 (2) The department may inspect the records and facility of a medical cannabis  
 3339 [dispensary] pharmacy at any time during business hours in order to determine if the medical  
 3340 cannabis [dispensary] pharmacy complies with [~~the licensing requirements of this part~~] this  
 3341 chapter.

3342 (3) An inspection under this section may include:

3343 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other

3344 physical or electronic information:

3345 (b) questioning of any relevant individual; or

3346 (c) inspection of equipment, an instrument, a tool, or machinery, including a container  
3347 or label.

3348 (4) In making an inspection under this section, the department may freely access any  
3349 area and review and make copies of a book, record, paper, document, data, or other physical or  
3350 electronic information, including financial data, sales data, shipping data, pricing data, and  
3351 employee data.

3352 (5) Failure to provide the department or the department's authorized agents immediate  
3353 access to records and facilities during business hours in accordance with this section may result  
3354 in:

3355 (a) the imposition of a civil monetary penalty that the department sets in accordance  
3356 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3357 (b) license or registration suspension or revocation; or

3358 (c) an immediate cessation of operations under a cease and desist order that the  
3359 department issues.

3360 Section 76. Section **26-61a-505**, which is renumbered from Section 26-60B-504 is  
3361 renumbered and amended to read:

3362 ~~[26-60B-504].~~ **26-61a-505. Advertising.**

3363 (1) Except as provided in Subsections (2) and (3), a medical cannabis [~~dispensary~~]  
3364 pharmacy may not advertise in any medium.

3365 (2) A medical cannabis [~~dispensary~~] pharmacy may use signage on the outside of the  
3366 medical cannabis [~~dispensary~~] pharmacy that includes only:

3367 (a) the medical cannabis [~~dispensary's~~] pharmacy's name and hours of operation; and

3368 (b) a green cross.

3369 (3) A medical cannabis [~~dispensary~~] pharmacy may maintain a website that includes  
3370 information about:

3371 (a) the location and hours of operation of the medial cannabis [~~dispensary~~] pharmacy;

3372 (b) [~~the products and services~~] a product or service available at the medial cannabis  
3373 [~~dispensary~~] pharmacy;

3374 (c) personnel affiliated with the medical cannabis [~~dispensary~~] pharmacy;

3375 (d) best practices that the medical cannabis [~~dispensary~~] pharmacy upholds; and

3376 (e) educational [~~materials~~] material related to the medical use of cannabis.

3377 Section 77. Section **26-61a-506**, which is renumbered from Section 26-60B-505 is  
3378 renumbered and amended to read:

3379 ~~[26-60B-505]~~. **26-61a-506. Cannabis, cannabis product, or medical**  
3380 **cannabis device transportation.**

3381 (1) [~~Except for an individual with a valid medical cannabis card, an individual~~] Only  
3382 the following individuals may [~~not~~] transport cannabis in a medicinal dosage form, a cannabis  
3383 product in a medicinal dosage form, or a medical cannabis device [~~unless the individual is~~]  
3384 under this chapter:

3385 (a) a registered medical cannabis [~~production establishment~~] pharmacy agent; [~~or~~]

3386 (b) a registered [~~cannabis dispensary~~] state central fill agent[~~;~~];

3387 (c) a courier for a state central fill shipment described in Section 26-61a-605; or

3388 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment  
3389 that the cardholder is authorized to transport.

3390 (2) Except for an individual with a valid medical cannabis card[~~, an individual~~] under  
3391 this chapter who is transporting a medical cannabis[~~, a cannabis product, or a medical cannabis~~  
3392 ~~device] treatment that the cardholder is authorized to transport, an individual described in~~  
3393 Subsection (1) shall possess a transportation manifest that:

3394 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
3395 cannabis device to a relevant inventory control system;

3396 (b) includes origin and destination information for [~~any~~] cannabis, a cannabis product,  
3397 or a medical cannabis device that the individual is transporting; and

3398 (c) [~~indicates~~] identifies the departure and arrival times and locations of the individual  
3399 transporting the cannabis, cannabis product, or medical cannabis device.

3400 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
3401 establish[~~;~~] by rule [~~made~~], in collaboration with the Division of Occupational and Professional  
3402 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
3403 Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage  
3404 form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure  
3405 that [are related to safety for human] the cannabis [or], cannabis product, or medical cannabis

3406 device remains safe for human consumption.

3407 (b) The transportation described in Subsection (3)(a) is limited to transportation:

3408 (i) between a medical cannabis pharmacy and another medical cannabis pharmacy; and

3409 (ii) between the state central fill medical cannabis pharmacy and:

3410 (A) another state central fill medical cannabis pharmacy location; or

3411 (B) a local health department.

3412 (4) (a) [~~An individual who transports cannabis, a cannabis product, or a medical~~

3413 ~~cannabis device~~] It is unlawful for a registered medical cannabis pharmacy agent, a registered

3414 state central fill agent, or a courier described in Section 26-61a-605 to make a transport

3415 described in this section with a manifest that does not meet the requirements of [~~Subsection (2)~~

3416 ~~is:] this section.~~

3417 (b) Except as provided in Subsection (4)(d), an agent or courier who violates

3418 Subsection (4)(a) is:

3419 [~~(a)~~] (i) guilty of an infraction; and

3420 [~~(b)~~] (ii) subject to a \$100 fine.

3421 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not

3422 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

3423 underlying the violation described in Subsection (4)(b).

3424 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,

3425 cannabis product, or medical cannabis devices than the manifest identifies, except for a de

3426 minimis administrative error:

3427 (i) this chapter does not apply; and

3428 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled

3429 Substances Act.

3430 Section 78. Section **26-61a-507**, which is renumbered from Section 26-60B-506 is

3431 renumbered and amended to read:

3432 [~~26-60B-506~~]. **26-61a-507. Local control.**

3433 [~~(1) A municipality or county may not enact a zoning ordinance that prohibits a~~

3434 ~~cannabis dispensary from operating in a location within the municipality's or county's~~

3435 ~~jurisdiction on the sole basis that the cannabis dispensary is a cannabis dispensary.]~~

3436 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or

3437 maintain a license under Section 26-61a-301, a person shall demonstrate that the intended  
 3438 medical cannabis pharmacy location is located at least:

3439 (A) 600 feet from a community location's property boundary following the shortest  
 3440 route of ordinary pedestrian travel; and

3441 (B) 200 feet from the patron entrance to the community location's property boundary,  
 3442 and within 600 feet of an area zoned residential.

3443 (ii) A municipal or county land use authority may recommend in writing that the  
 3444 department waive the community location proximity requirement described in Subsection  
 3445 (1)(a)(i).

3446 ~~[(2)]~~ (b) A municipality or county may not deny or revoke a permit or license to  
 3447 operate a medical cannabis ~~[dispensary]~~ pharmacy on the sole basis that the applicant or  
 3448 medical cannabis ~~[dispensary]~~ pharmacy violates [a] federal law ~~[of]~~ regarding the ~~[United~~  
 3449 ~~States]~~ legal status.

3450 ~~[(3)]~~ (2) A municipality or county may enact ~~[ordinances]~~ an ordinance that:

3451 (a) is not in conflict with this chapter [governing]; and

3452 (b) governs the time, place, ~~[and]~~ or manner of medical cannabis ~~[dispensary]~~  
 3453 pharmacy operations in the municipality or county.

3454 Section 79. Section **26-61a-601** is enacted to read:

3455 **Part 6. State Central Fill Medical Cannabis Pharmacy**

3456 **26-61a-601. Department to establish state central fill medical cannabis pharmacy**

3457 **-- Duties -- Pharmacy medical provider registration -- Continuing education.**

3458 (1) On or before July 1, 2020, the department shall establish or contract to establish, in  
 3459 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central fill medical  
 3460 cannabis pharmacy as described in this section.

3461 (2) The state central fill medical cannabis pharmacy shall:

3462 (a) procure cannabis that a cannabis processing facility processes into a medicinal  
 3463 dosage form;

3464 (b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage  
 3465 form, or a medical cannabis device for shipment to a medical cannabis cardholder under a  
 3466 qualified medical provider's recommendation to address a qualifying condition;

3467 (c) transport a state central fill shipment, in accordance with Section 26-61a-605, to the



3468 relevant local health department for distribution, in accordance with Section 26-61a-607;

3469 (d) (i) (A) if the state establishes the state central fill medical cannabis pharmacy,  
3470 process and accept payment for a transaction involving a state central fill shipment; or

3471 (B) if the state establishes the state central fill medical cannabis pharmacy by contract,  
3472 process prepaid requests for a state central fill shipment from the department; and

3473 (ii) deposit funds that the state central fill medical cannabis pharmacy collects under  
3474 Subsection (2)(d)(i) into the Qualified Distribution Enterprise Account created in Section  
3475 26-61a-110.

3476 (3) (a) An individual may not enter a state central fill medical cannabis pharmacy  
3477 location unless:

3478 (i) the individual is a state central fill agent or an employee of the state central fill  
3479 medical cannabis pharmacy;

3480 (ii) the individual is an employee of the department; or

3481 (iii) a state central fill agent escorts the individual at all times.

3482 (b) An individual who violates Subsection (3)(a) is:

3483 (i) guilty of an infraction; and

3484 (ii) subject to a \$100 fine.

3485 (c) An individual who is guilty of a violation described in Subsection (3)(b) is not  
3486 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3487 underlying the violation described in Subsection (3)(b).

3488 (4) (a) The state central fill medical cannabis pharmacy:

3489 (i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b,  
3490 Pharmacy Practice Act, as a state central fill medical provider;

3491 (ii) may employ a physician who has the authority to write a prescription and is  
3492 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
3493 Osteopathic Medical Practice Act, as a state central fill medical provider;

3494 (iii) shall ensure that a state central fill medical provider described in Subsection  
3495 (4)(a)(i) works onsite at each location during all business hours;

3496 (iv) shall designate one state central fill medical provider described in Subsection  
3497 (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section 58-17b-102, to oversee  
3498 the operation of and generally supervise the state central fill medical cannabis pharmacy; and

3499 (v) may establish more than one location in which the state central fill medical  
3500 cannabis pharmacy operates if the department determines, after an analysis of the current and  
3501 anticipated market for cannabis in a medicinal dosage form and cannabis products in a  
3502 medicinal dosage form, including costs and logistical issues in transportation of state central  
3503 fill shipments, that multiple central fill locations are necessary to provide an adequate supply of  
3504 state central fill shipments to local health departments for distribution to recipient medical  
3505 cannabis cardholders.

3506 (b) An individual may not serve as a state central fill medical provider unless the  
3507 department registers the individual as a state central fill medical provider.

3508 (5) (a) The department shall, within 15 days after the day on which the department  
3509 receives an application from the state central fill medical cannabis pharmacy on behalf of a  
3510 prospective state central fill medical provider, register and issue a state central fill medical  
3511 provider registration card to the prospective state central fill medical provider if the state  
3512 central fill medical cannabis pharmacy provides to the department:

3513 (i) the prospective state central fill medical provider's name and address; and

3514 (ii) evidence that the prospective state central fill medical provider is:

3515 (A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

3516 or

3517 (B) a physician who has the authority to write a prescription and is licensed under Title  
3518 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical  
3519 Practice Act.

3520 (b) The department may not register a qualified medical provider or a pharmacy  
3521 medical provider as a state central fill medical provider.

3522 (6) (a) A state central fill medical provider shall complete the continuing education  
3523 described in this Subsection (6) in the following amounts:

3524 (i) as a condition precedent to registration, four hours; and

3525 (ii) as a condition precedent to renewal, four hours every two years.

3526 (b) In accordance with Subsection (6)(a), the state central fill medical provider shall:

3527 (i) complete continuing education:

3528 (A) regarding the topics described in Subsection (6)(d); and

3529 (B) offered by the department under Subsection (6)(c) or an accredited or approved

3530 continuing education provider that the department recognizes as offering continuing education  
3531 appropriate for the medical cannabis pharmacy practice; and  
3532 (ii) make a continuing education report to the department in accordance with a process  
3533 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
3534 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
3535 Professional Licensing and:  
3536 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,  
3537 Pharmacy Practice Act, the Board of Pharmacy;  
3538 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical  
3539 Practice Act, the Physicians Licensing Board; and  
3540 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah  
3541 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.  
3542 (c) The department may, in consultation with the Division of Occupational and  
3543 Professional Licensing, develop the continuing education described in this Subsection (6).  
3544 (d) The continuing education described in this Subsection (6) may discuss:  
3545 (i) the provisions of this chapter;  
3546 (ii) general information about medical cannabis under federal and state law;  
3547 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
3548 including risks and benefits;  
3549 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
3550 patient in pain management, risk management, potential addiction, and palliative care; or  
3551 (v) best practices for recommending the form and dosage of medical cannabis products  
3552 based on the qualifying condition underlying the medical cannabis recommendation.  
3553 (7) (a) A state central fill medical provider registration card expires two years after the  
3554 day on which the department issues or renews the card.  
3555 (b) A state central fill medical provider may renew the provider's registration card if  
3556 the provider:  
3557 (i) is eligible for a state central fill medical provider registration card under this  
3558 section;  
3559 (ii) certifies to the department in a renewal application that the information in  
3560 Subsection (5) is accurate or updates the information; and

3561 (iii) submits a report detailing the completion of the continuing education requirement  
3562 described in Subsection (6).

3563 Section 80. Section **26-61a-602** is enacted to read:

3564 **26-61a-602. State central fill agent -- Background check -- Registration card --**  
3565 **Rebuttable presumption.**

3566 (1) An individual may not serve as a state central fill agent unless:

3567 (a) the individual is an employee of the state central fill medical cannabis pharmacy;  
3568 and

3569 (b) the department registers the individual as a state central fill agent.

3570 (2) (a) The department shall, within 15 days after the day on which the department  
3571 receives a complete application from the state central fill medical cannabis pharmacy on behalf  
3572 of a prospective state central fill agent, register and issue a state central fill agent registration  
3573 card to the prospective agent if the state central fill medical cannabis pharmacy:

3574 (i) provides to the department:

3575 (A) the prospective agent's name and address;

3576 (B) a fingerprint card in a form acceptable to the department; and

3577 (C) the prospective agent's consent to a fingerprint background check by the Utah  
3578 Bureau of Criminal Identification and the Federal Bureau of Investigation, including

3579 registration in the FBI Rap Back System, as that term is defined in Section 53-10-108; and

3580 (ii) as reported under Subsection (2)(b), has not been convicted under state or federal  
3581 law of:

3582 (A) a felony; or

3583 (B) after the effective date of this bill, a misdemeanor for drug distribution.

3584 (b) The department shall request that the Department of Public Safety complete a  
3585 Federal Bureau of Investigation criminal background check under Section 53-10-117 for each  
3586 prospective agent described in Subsection (2)(a).

3587 (c) The department shall notify the Department of Public Safety of each individual that  
3588 the department registers as a state central fill agent.

3589 (3) (a) A state central fill agent shall comply with a certification standard that the  
3590 department develops, in collaboration with the Division of Occupational and Professional  
3591 Licensing and the Board of Pharmacy, or a third-party certification standard that the department

3592 designates by rule, in collaboration with the Division of Occupational and Professional  
3593 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
3594 Administrative Rulemaking Act.

3595 (b) The department shall ensure that the certification standard described in Subsection  
3596 (3)(a) includes continuing education in:

3597 (i) Utah medical cannabis law;

3598 (ii) the state central fill medical cannabis pharmacy shipment process; and

3599 (iii) state central fill agent best practices.

3600 (4) The department may revoke or refuse to issue the state central fill agent registration  
3601 card of an individual who:

3602 (a) violates the requirements of this chapter; or

3603 (b) is convicted under state or federal law of:

3604 (i) a felony; or

3605 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

3606 (5) (a) A state central fill agent registration card expires two years after the day on  
3607 which the department issues or renews the card.

3608 (b) A state central fill agent may renew the agent's registration card if the agent:

3609 (i) is eligible for a state central fill registration card under this section; and

3610 (ii) certifies to the department in a renewal application that the information in

3611 Subsection (2)(a) is accurate or updates the information.

3612 (6) A state central fill agent who the department registers under this section shall carry  
3613 the individual's state central fill agent registration card with the individual at all times when:

3614 (a) the individual is on the premises of the state central fill medical cannabis pharmacy;

3615 and

3616 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis

3617 product in a medicinal dosage form, or a medical cannabis device between a cannabis

3618 production establishment and the state central fill medical cannabis pharmacy.

3619 (7) If an individual handling cannabis, a cannabis product, or a medical cannabis

3620 device handles the cannabis, cannabis product, or medical cannabis device in compliance with

3621 Subsection (6):

3622 (a) there is a rebuttable presumption that the individual possesses the cannabis,

3623 cannabis product, or medical cannabis device legally; and  
3624 (b) there is no probable cause, based solely on the individual's handling of the  
3625 cannabis, cannabis product, or medical cannabis device, that the individual is engaging in  
3626 illegal activity.

3627 (8) (a) An individual who violates Subsection (6) is:

3628 (i) guilty of an infraction; and

3629 (ii) subject to a \$100 fine.

3630 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not  
3631 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3632 underlying the violation described in Subsection (8)(a).

3633 Section 81. Section **26-61a-603** is enacted to read:

3634 **26-61a-603. Recommendation.**

3635 (1) When an individual receives a recommendation for a medical cannabis treatment  
3636 from the individual's qualified medical provider, the individual may initiate a shipment from  
3637 the state central fill medical cannabis pharmacy to a local health department by:

3638 (a) contacting the state central fill medical cannabis pharmacy directly; or

3639 (b) requesting that the qualified medical provider initiate the shipment through the state  
3640 electronic verification system.

3641 (2) Upon receiving a request to prepare a shipment under Subsection (1), a state central  
3642 fill agent shall:

3643 (a) verify the shipment information using the state electronic verification system;

3644 (b) process payment, including contacting the medical cannabis cardholder to complete  
3645 payment if necessary;

3646 (c) prepare the shipment in accordance with Section 26-61a-604;

3647 (d) record the preparation of the shipment in the electronic verification system; and

3648 (e) place the shipment for transportation in accordance with Section 26-61a-605.

3649 Section 82. Section **26-61a-604** is enacted to read:

3650 **26-61a-604. State central fill shipment preparation.**

3651 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a  
3652 local health department a product other than:

3653 (i) cannabis in medicinal dosage form that the state central fill medical cannabis

3654 pharmacy acquired from a cannabis processing facility that is licensed under Section  
3655 4-41a-201;

3656 (ii) a cannabis product in medicinal dosage form that the state central fill medical  
3657 cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section  
3658 4-41a-201;

3659 (iii) a medical cannabis device; or

3660 (iv) educational material related to the medical use of cannabis.

3661 (b) The state central fill medical cannabis pharmacy may only sell or ship an item listed  
3662 in Subsection (1)(a) in response to a request for shipment described in Subsection  
3663 26-61a-603(1).

3664 (c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy  
3665 may not sell a cannabis-based drug that the United States Food and Drug Administration has  
3666 approved.

3667 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

3668 (a) for a medical cannabis cardholder in any one 12-day period, more than the lesser of:

3669 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters  
3670 that the relevant qualified medical provider recommends; or

3671 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form  
3672 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol  
3673 in the cannabis; or

3674 (B) an amount of cannabis products that is in a medicinal dosage form and that  
3675 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

3676 (b) to a medical cannabis cardholder whose primary residence is located more than 100  
3677 miles from the nearest medical cannabis pharmacy or local health department, in any one  
3678 28-day period, more than the lesser of:

3679 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters  
3680 that the relevant qualified medical provider recommends; or

3681 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage  
3682 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and  
3683 cannabidiol in the cannabis; or

3684 (B) an amount of cannabis products that is in a medicinal dosage form and that

3685 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or  
3686 (c) for an individual whose qualified medical provider did not recommend dosing  
3687 parameters, any cannabis or cannabis product, until the individual consults with the state  
3688 central fill medical provider in accordance with Subsection (4).

3689 (3) A medical cannabis cardholder may not receive a state central fill shipment  
3690 containing:

3691 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)  
3692 in any one 12-day period; or

3693 (b) if the relevant qualified medical provider did not recommend dosing parameters,  
3694 any cannabis or cannabis product, until the cardholder consults with the state central fill  
3695 medical provider in accordance with Subsection (4).

3696 (4) If a qualified medical provider recommends treatment with cannabis or a cannabis  
3697 product but does not provide dosing parameters:

3698 (a) the qualified medical provider shall document in the recommendation:

3699 (i) an evaluation of the qualifying condition underlying the recommendation;

3700 (ii) prior treatment attempts with cannabis and cannabis products; and

3701 (iii) the patient's current medication list; and

3702 (b) before the relevant medical cannabis cardholder may receive a state central fill  
3703 shipment, the state central fill medical provider shall:

3704 (i) review pertinent medical records, including the qualified medical provider  
3705 documentation described in Subsection (4)(a); and

3706 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with  
3707 the recommending qualified medical provider as needed, determine the best course of treatment  
3708 through consultation with the cardholder regarding:

3709 (A) the patient's qualifying condition underlying the recommendation from the  
3710 qualified medical provider;

3711 (B) indications for available treatments;

3712 (C) dosing parameters; and

3713 (D) potential adverse reactions.

3714 (5) The state central fill medical cannabis pharmacy shall:

3715 (a) (i) access the state electronic verification system before preparing a shipment of



3716 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where  
3717 applicable, the associated patient has met the maximum amount of cannabis or cannabis  
3718 product described in Subsection (2); and

3719 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the  
3720 maximum amount described in Subsection (2):

3721 (A) decline the request to prepare the shipment; and  
3722 (B) notify the qualified medical provider that made the recommendation;

3723 (b) submit a record to the state electronic verification system each time the state central  
3724 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,  
3725 or a medical cannabis device;

3726 (c) package any cannabis or cannabis product that is in a blister pack in a container  
3727 that:

3728 (i) complies with Subsection 4-41a-602(2);  
3729 (ii) is tamper-resistant and tamper-evident; and  
3730 (iii) opaque; and

3731 (d) for any product that is a cube that is designed for ingestion through chewing or  
3732 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
3733 of over-consumption.

3734 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis  
3735 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device  
3736 that is intentionally designed or constructed to resemble a cigarette.

3737 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis  
3738 device that warms cannabis material into a vapor without the use of a flame and that delivers  
3739 cannabis to an individual's respiratory system.

3740 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product  
3741 that the medical cannabis pharmacy is allowed to sell under Subsection (1).

3742 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's  
3743 records the following information regarding each recommendation underlying a transaction:

3744 (i) the qualified medical provider's name, address, and telephone number;  
3745 (ii) the patient's name and address;  
3746 (iii) the date of issuance;

3747 (iv) dosing parameters or an indication that the qualified medical provider did not  
3748 recommend specific dosing parameters; and

3749 (v) the name and the address of the medical cannabis cardholder if the cardholder is not  
3750 the patient.

3751 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a  
3752 cannabis product unless the cannabis or cannabis product has a label securely affixed to the  
3753 container indicating the following minimum information:

3754 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

3755 (ii) the unique identification number that the state central fill medical cannabis  
3756 pharmacy assigns;

3757 (iii) the date of the sale;

3758 (iv) the name of the medical cannabis cardholder;

3759 (v) the name of the qualified medical provider who recommends the medical cannabis  
3760 treatment;

3761 (vi) directions for use and cautionary statements, if any;

3762 (vii) the amount dispensed and the cannabinoid content;

3763 (viii) the beyond use date; and

3764 (ix) any other requirements that the department determines, in consultation with the  
3765 Division of Occupational and Professional Licensing and the Board of Pharmacy.

3766 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or  
3767 a state central fill agent shall:

3768 (a) include in each state central fill shipment written counseling regarding the state  
3769 central fill shipment; and

3770 (b) provide a telephone number or website by which a medical cannabis cardholder  
3771 may contact a pharmacy medical provider for counseling.

3772 (10) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
3773 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
3774 by the state central fill medical cannabis pharmacy.

3775 (11) The department may impose a uniform fee on each medical cannabis cardholder  
3776 transaction for a state central fill shipment in an amount that, subject to Subsection  
3777 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3778 Section 83. Section **26-61a-605** is enacted to read:

3779 **26-61a-605. State central fill shipment transportation.**

3780 (1) The state central fill medical cannabis pharmacy shall ensure that the state central  
3781 fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in  
3782 medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis  
3783 device to each local health department in the state within two business days after the day on  
3784 which the state central fill medical cannabis pharmacy receives a request for a state central fill  
3785 shipment resulting from a recommendation of a qualified medical provider under Section  
3786 26-61a-603.

3787 (2) (a) The department may contract with a private entity for the entity to serve as a  
3788 courier for the state central fill medical cannabis pharmacy, delivering state central fill  
3789 shipments to local health departments for distribution to medical cannabis cardholders.

3790 (b) If the department enters into a contract described in Subsection (2)(a), the  
3791 department shall:

3792 (i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,  
3793 Chapter 6a, Utah Procurement Code;

3794 (ii) impose security and personnel requirements on the contracted private entity  
3795 sufficient to ensure the security and safety of state central fill shipments; and

3796 (iii) provide regular oversight of the contracted private entity.

3797 (3) Except for an individual with a valid medical cannabis card who transports a  
3798 shipment the individual receives, an individual may not transport a state central fill shipment  
3799 unless the individual is:

3800 (a) a registered state central fill agent; or

3801 (b) an agent of the private courier described in Subsection (2).

3802 (4) An individual transporting a state central fill shipment shall possess a transportation  
3803 manifest that:

3804 (a) includes a unique identifier that links the state central fill shipment to a relevant  
3805 inventory control system;

3806 (b) includes origin and destination information for a state central fill shipment the  
3807 individual is transporting; and

3808 (c) indicates the departure and arrival times and locations of the individual transporting

3809 the state central fill shipment.

3810 (5) In addition to the requirements in Subsections (3) and (4), the department may  
3811 establish by rule, in collaboration with the Division of Occupational and Professional Licensing  
3812 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
3813 Rulemaking Act, requirements for transporting state central fill shipments that are related to  
3814 safety for human consumption of cannabis or a cannabis product.

3815 (6) (a) It is unlawful for an individual to transport a state central fill shipment with a  
3816 manifest that does not meet the requirements of Subsection (4).

3817 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection  
3818 (6)(a):

3819 (i) is guilty of an infraction; and

3820 (ii) subject to a \$100 fine.

3821 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not  
3822 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3823 underlying the violation described in Subsection (6)(b).

3824 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,  
3825 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
3826 minimis administrative error:

3827 (i) this chapter does not apply; and

3828 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
3829 Substances Act.

3830 Section 84. Section **26-61a-606** is enacted to read:

3831 **26-61a-606. Local health department distribution agent -- Background check --**  
3832 **Registration card -- Rebuttable presumption.**

3833 (1) An individual may not serve as a local health department distribution agent unless:

3834 (a) the individual is an employee of a local health department; and

3835 (b) the department registers the individual as a local health department distribution  
3836 agent.

3837 (2) (a) The department shall, within 15 days after the day on which the department  
3838 receives a complete application from a local health department on behalf of a prospective local  
3839 health department distribution agent, register and issue a local health department distribution

3840 agent registration card to the prospective agent if the local health department:  
3841 (i) provides to the department:  
3842 (A) the prospective agent's name and address;  
3843 (B) the name and location of the local health department where the prospective agent  
3844 seeks to act as a local health department distribution agent;  
3845 (C) a fingerprint card in a form acceptable to the department; and  
3846 (D) the prospective agent's consent to a fingerprint background check by the Utah  
3847 Bureau of Criminal Identification and the Federal Bureau of Investigation, including  
3848 registration in the FBI Rap Back System, as that term is defined in Section 53-10-108; and  
3849 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal  
3850 law of:  
3851 (A) a felony; or  
3852 (B) after the effective date of this bill, a misdemeanor for drug distribution.  
3853 (b) The department shall request that the Department of Public Safety complete a  
3854 Federal Bureau of Investigation criminal background check under Section 53-10-117 for each  
3855 prospective agent described in Subsection (2)(a).  
3856 (c) The department shall notify the Department of Public Safety of each individual the  
3857 department registers as a local health department distribution agent.  
3858 (3) The department shall designate on an individual's local health department  
3859 distribution agent registration card the name of the local health department where the  
3860 individual is registered as an agent.  
3861 (4) (a) A local health department distribution agent shall comply with a certification  
3862 standard that the department develops, in collaboration with the Division of Occupational and  
3863 Professional Licensing and the Board of Pharmacy, or a third-party certification standard that  
3864 the department designates by rule in collaboration with the Division of Occupational and  
3865 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter  
3866 3, Utah Administrative Rulemaking Act.  
3867 (b) The department shall ensure that the certification standard described in Subsection  
3868 (4)(a) includes training in:  
3869 (i) Utah medical cannabis law;  
3870 (ii) the state central fill medical cannabis pharmacy shipment process; and

- 3871 (iii) local health department distribution agent best practices.
- 3872 (5) The department may revoke or refuse to issue or renew the local health department
- 3873 distribution agent registration card of an individual who:
- 3874 (a) violates the requirements of this chapter; or
- 3875 (b) is convicted under state or federal law of:
- 3876 (i) a felony; or
- 3877 (ii) after the effective date of this bill, a misdemeanor for drug distribution.
- 3878 (6) A local health department distribution agent who the department has registered
- 3879 under this section shall carry the agent's local health department distribution agent registration
- 3880 card with the agent at all times when:
- 3881 (a) the agent is on the premises of the local health department; and
- 3882 (b) the agent is handling a shipment of cannabis or cannabis product from the state
- 3883 central fill medical cannabis pharmacy.
- 3884 (7) If a local health department distribution agent handling a shipment of cannabis or
- 3885 cannabis product from the state central fill medical cannabis pharmacy possesses the shipment
- 3886 in compliance with Subsection (6):
- 3887 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 3888 (b) there is no probable cause, based solely on the agent's possession of the shipment,
- 3889 that the agent is engaging in illegal activity.
- 3890 (8) (a) A local health department distribution agent who violates Subsection (6) is:
- 3891 (i) guilty of an infraction; and
- 3892 (ii) subject to a \$100 fine.
- 3893 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not
- 3894 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
- 3895 underlying the violation described in Subsection (8)(a).
- 3896 Section 85. Section ~~26-61a-607~~ is enacted to read:
- 3897 **26-61a-607. Local health department distribution.**
- 3898 (1) Each local health department shall designate:
- 3899 (a) one or more of the local health department's locations as a state central fill shipment
- 3900 distribution location; and
- 3901 (b) a sufficient number of personnel to ensure that at least one individual is available at

3902 all times during business hours:

3903 (i) whom the department has registered as a local health department distribution agent;

3904 and

3905 (ii) to distribute state central fill shipments to medical cannabis cardholders in

3906 accordance with this section.

3907 (2) An individual may not retrieve a shipment from the state central fill medical  
3908 cannabis pharmacy at a local health department unless the individual presents:

3909 (a) a form of identification that is a valid United States federal- or state-issued photo  
3910 identification, including a driver license, a United States passport, a United States passport  
3911 card, or a United States military identification card; and

3912 (b) a valid medical cannabis card under the same name that appears on the  
3913 identification described in Subsection (2)(a).

3914 (3) Before a local health department distribution agent distributes a state central fill  
3915 shipment to a medical cannabis cardholder, the local health department distribution agent shall:

3916 (a) verify the shipment information using the state electronic verification system;

3917 (b) ensure that the individual satisfies the identification requirements in Subsection (2);

3918 (c) verify that payment is complete; and

3919 (d) record the completion of the shipment transaction in the electronic verification  
3920 system.

3921 (4) The local health department shall:

3922 (a) (i) store each state central fill shipment that the local health department receives,

3923 until the recipient medical cannabis cardholder retrieves the shipment or the local health

3924 department returns the shipment to the state central fill medical cannabis pharmacy in

3925 accordance with Subsection (5), in a single, secure, locked area that is equipped with a security  
3926 system that detects and records entry into the area; and

3927 (ii) ensure that only a local health department distribution agent is able to access the  
3928 area;

3929 (b) return any unclaimed state central fill shipment to the state central fill medical

3930 cannabis pharmacy, in accordance with Subsection (5)(a), after the local health department has

3931 possessed the state central fill shipment for 10 business days; and

3932 (c) return any state central fill shipment to the state central fill medical cannabis

3933 pharmacy, in accordance with Subsection (5)(b), if a medical cannabis cardholder returns the  
3934 shipment to the local health department after retrieving the shipment.

3935 (5) (a) If a local health department returns an unclaimed state central fill shipment  
3936 under Subsection (4)(b), the state central fill medical cannabis pharmacy may repackage or  
3937 otherwise reuse the shipment for another state central fill shipment.

3938 (b) If a local health department returns a returned state central fill shipment under  
3939 Subsection (4)(c), the state central fill medical cannabis pharmacy shall dispose of the returned  
3940 shipment by:

3941 (i) rendering the state central fill shipment unusable and unrecognizable before  
3942 transporting the shipment from the state central fill medical cannabis pharmacy; and

3943 (ii) disposing of the state central fill shipment in accordance with:

3944 (A) federal and state laws, rules, and regulations related to hazardous waste;

3945 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3946 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3947 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
3948 3, Utah Administrative Rulemaking Act.

3949 Section 86. Section **26-61a-608** is enacted to read:

3950 **26-61a-608. Department to set state central fill prices.**

3951 (1) The department shall set a price schedule for cannabis in a medicinal dosage form  
3952 that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders  
3953 through distribution to local health departments.

3954 (2) The department shall ensure that the price schedule described in Subsection (1):

3955 (a) through an annual review, takes into consideration:

3956 (i) the demand for medical cannabis and cannabis products dispensed through the state  
3957 central fill medical cannabis pharmacy and the local health departments;

3958 (ii) the labor required to cultivate and process cannabis into a medicinal dosage form;

3959 (iii) the regulatory burden involved in the creation of the product; and

3960 (iv) any other consideration the department considers necessary; and

3961 (b) after at least three medical cannabis pharmacies that the department licenses under

3962 Section 26-61a-301 are operational, contains pricing for a specific product that is within 10%

3963 of the average price for the product among the operational medical cannabis pharmacies.



3964 (3) The department shall ensure that the price schedule that the department sets under  
3965 Subsection (1) includes a set fee that the department deposits into the Qualified Distribution  
3966 Enterprise Fund to cover the cost of:

3967 (a) the state central fill medical cannabis pharmacy; and

3968 (b) the courier described in Section 26-61a-605, if any.

3969 Section 87. Section **26-61a-609** is enacted to read:

3970 **26-61a-609. Partial filling.**

3971 (1) As used in this section, "partially fill" means to provide less than the full amount of  
3972 cannabis or cannabis product that the qualified medical provider recommends, if the qualified  
3973 medical provider recommended specific dosing parameters.

3974 (2) The state central fill medical cannabis pharmacy may partially fill a  
3975 recommendation for a medical cannabis treatment at the request of the qualified medical  
3976 provider who issued the medical cannabis treatment recommendation or the medical cannabis  
3977 cardholder.

3978 (3) The department shall make rules in collaboration with the Division of Occupational  
3979 and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,  
3980 Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity  
3981 supplied, and quantity remaining of a partially filled medical cannabis treatment  
3982 recommendation.

3983 (4) A state central fill medical provider who is a pharmacist may, upon the request of a  
3984 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
3985 limits in Subsection 26-61a-604(2), to fill the quantity remaining of a partially filled medical  
3986 cannabis treatment recommendation if:

3987 (a) the state central fill medical provider determined dosing parameters for the partial  
3988 fill under Subsection 26-61a-604(4); and

3989 (b) the medical cannabis cardholder reports that:

3990 (i) the partial fill did not substantially affect the qualifying condition underlying the  
3991 medical cannabis recommendation; or

3992 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
3993 unable to successfully use the partial fill.

3994 Section 88. Section **26-61a-610** is enacted to read:

3995 **26-61a-610. Records -- Inspections.**

3996 (1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's  
3997 medical cannabis treatment recommendation files and other records in accordance with this  
3998 chapter, department rules, and the federal Health Insurance Portability and Accountability Act  
3999 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

4000 (2) The department may inspect the records and facility of the state central fill medical  
4001 cannabis pharmacy or a local health department at any time during business hours in order to  
4002 determine compliance with this chapter.

4003 (3) An inspection under this section may include:

4004 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
4005 physical or electronic information;

4006 (b) questioning of any relevant individual; or

4007 (c) inspection of equipment, an instrument, a tool, or machinery, including a container  
4008 or label.

4009 (4) In making an inspection under this section, the department may freely access any  
4010 area and review and make copies of a book, record, paper, document, data, or other physical or  
4011 electronic information, including financial data, sales data, shipping data, pricing data, and  
4012 employee data.

4013 (5) Failure to provide the department or the department's authorized agents immediate  
4014 access during business hours in accordance with this section may result in:

4015 (a) the imposition of a civil monetary penalty that the department sets in accordance  
4016 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4017 (b) license or registration suspension or revocation; or

4018 (c) an immediate cessation of operations under a cease and desist order that the  
4019 department issues.

4020 Section 89. Section **26-61a-611** is enacted to read:

4021 **26-61a-611. Advertising.**

4022 (1) Except as provided in Subsection (2), the state central fill medical cannabis  
4023 pharmacy may not advertise in any medium.

4024 (2) The state central fill medical cannabis pharmacy may maintain a website that  
4025 includes information about:

- 4026 (a) the contact information for the state central fill medical cannabis pharmacy;  
4027 (b) a product or service available through shipment from the state central fill medical  
4028 cannabis pharmacy;  
4029 (c) a description of the state central fill medical cannabis pharmacy shipment process;  
4030 (d) information about retrieving a state central fill shipment at a local health  
4031 department; or  
4032 (e) educational material related to the medical use of cannabis.

4033 Section 90. Section **26-61a-701** is enacted to read:

4034 **Part 7. Enforcement**

4035 **26-61a-701. Enforcement -- Misdemeanor.**

4036 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,  
4037 and Sections 26-61a-502, 26-61a-605, and 26-61a-607, it is unlawful for a medical cannabis  
4038 cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a  
4039 medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis  
4040 device, or any cannabis residue remaining in or from a medical cannabis device.

4041 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who  
4042 violates Subsection (1) is:

4043 (i) guilty of a class B misdemeanor; and

4044 (ii) subject to a \$1,000 fine.

4045 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4046 (i) (A) is a designated caregiver; and

4047 (B) gives the product described in Subsection (1) to the medical cannabis cardholder  
4048 who designated the individual as a designated caregiver; or

4049 (ii) (A) is a medical cannabis guardian cardholder; and

4050 (B) gives the product described in Subsection (1) to the relevant provisional patient  
4051 cardholder.

4052 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not  
4053 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
4054 underlying the violation described in Subsection (2)(a).

4055 Section 91. Section **26-61a-702**, which is renumbered from Section 26-60B-601 is  
4056 renumbered and amended to read:

4057 ~~[26-60B-601].~~ 26-61a-702. Enforcement -- Fine -- Citation.

4058 (1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter  
4059 ~~[by a person who is a cannabis dispensary or cannabis dispensary agent]:~~

4060 ~~[(a)]~~ (i) revoke the ~~[person's license or]~~ medical cannabis ~~[dispensary agent registration~~  
4061 card] pharmacy license;

4062 ~~[(b)]~~ (ii) refuse to renew the ~~[person's license or]~~ medical cannabis ~~[dispensary agent~~  
4063 registration card] pharmacy license; or

4064 ~~[(c)]~~ (iii) assess the ~~[person]~~ medical cannabis pharmacy an administrative penalty.

4065 (b) The department may, for a medical cannabis pharmacy agent's or state central fill  
4066 agent's violation of this chapter:

4067 (i) revoke the medical cannabis pharmacy agent or state central fill agent registration  
4068 card;

4069 (ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent  
4070 registration card; or

4071 (iii) assess the medical cannabis pharmacy agent or state central fill agent an  
4072 administrative penalty.

4073 (2) The department shall deposit an administrative penalty imposed under this section  
4074 ~~[in]~~ into the [general fund] General Fund.

4075 (3) ~~[The department may, for]~~ For a person subject to an uncontested citation, a  
4076 stipulated settlement, or a finding of a violation in an adjudicative proceeding under this  
4077 section, the department may:

4078 (a) for a fine amount not already specified in law, assess the person a fine~~[,] established~~  
4079 ~~in accordance with Section 63J-1-504,]~~ of up to \$5,000 per violation, in accordance with a fine  
4080 schedule ~~[established]~~ that the department establishes by rule ~~[made]~~ in accordance with Title  
4081 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4082 (b) order the person to cease and desist from the action that creates a violation.

4083 (4) The department may not revoke a medical cannabis ~~[dispensary's]~~ pharmacy's  
4084 license without first directing the medical cannabis ~~[dispensary]~~ pharmacy to appear before an  
4085 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

4086 (5) If, within 20 calendar days after the day on which the department issues a citation  
4087 for a violation of this chapter, the person that is the subject of the citation fails to request a

4088 hearing to contest the citation, the citation becomes the department's final order.

4089 (6) The department may, for a person who fails to comply with a citation under this  
4090 section:

4091 (a) refuse to issue or renew the person's license [~~or cannabis dispensary~~] agent  
4092 registration card; or

4093 (b) suspend, revoke, or place on probation the person's license or [~~cannabis dispensary~~]  
4094 agent registration card.

4095 (7) (a) [~~If the department makes a final determination under this section that~~] Except  
4096 where a criminal penalty is expressly provided for a specific violation of this chapter, if an  
4097 individual [~~violated~~] violates a provision of this chapter, the individual is:

4098 (i) guilty of an infraction[-]; and

4099 (ii) subject to a \$100 fine.

4100 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not  
4101 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
4102 underlying the violation described in Subsection (7)(a).

4103 Section 92. Section ~~26-61a-703~~, which is renumbered from Section 26-60B-602 is  
4104 renumbered and amended to read:

4105 ~~[26-60B-602].~~ **26-61a-703. Report.**

4106 (1) [~~The~~] By the November interim meeting each year, the department shall report  
4107 [~~annually~~] to the Health and Human Services Interim Committee on:

4108 (a) the number of applications and renewal applications filed for medical cannabis  
4109 cards[-];

4110 (b) the number of qualifying patients and designated caregivers[-];

4111 (c) the nature of the debilitating medical conditions of the qualifying patients[-];

4112 (d) the age and county of residence of cardholders[-];

4113 (e) the number of medical cannabis cards revoked[-];

4114 (f) the number of practitioners providing recommendations for qualifying patients[-];

4115 (g) the number of license applications and renewal license applications received[-];

4116 (h) the number of licenses the department has issued in each county[-];

4117 (i) the number of licenses the department has revoked[-~~and~~];

4118 (j) the quantity and timeliness of state central fill shipments, including the amount of

4119 time between recommendation to the state central fill medical cannabis pharmacy and arrival of  
 4120 a state central fill shipment at a local health department;

4121 (k) the market share of state central fill shipments;

4122 (l) the expenses incurred and revenues generated from the medical cannabis  
 4123 program[?];

4124 (m) the expenses incurred and revenues generated from the state central fill medical  
 4125 cannabis pharmacy, including a profit and loss statement; and

4126 (n) an analysis of product availability, including the price differential between  
 4127 comparable products, in medical cannabis pharmacies and the state central fill medical  
 4128 cannabis pharmacy.

4129 (2) The department may not include personally identifying information in the report  
 4130 described in this section.

4131 Section 93. Section **26-65-102 (Effective 07/01/19)** is amended to read:

4132 **26-65-102 (Effective 07/01/19). Definitions.**

4133 (1) "Agent" means an employee or independent contractor of an entity.

4134 [~~(2) "Cannabidiol laboratory" means the same as that term is defined in Section~~  
 4135 ~~4-43-102.]~~

4136 [~~(3) (2) "Cannabidiol product" means [the same as that term is defined in Section~~  
 4137 ~~4-41-102.] a chemical compound extracted from cannabis that:~~

4138 (a) is processed into a medicinal dosage form;

4139 (b) contains less than 0.3% tetrahydrocannabinol by dry weight.

4140 (3) "Cannabis" means marijuana, as that term is defined in Section 58-37-2.

4141 [~~(4) "Cannabidiol-qualified pharmacy" means the same as that term is defined in~~  
 4142 ~~Section 4-43-102.]~~

4143 [~~(5) "Cannabinoid Product Restricted Account" means the account created in Section~~  
 4144 ~~4-43-801.]~~

4145 [~~(6) (4) "Medicinal dosage form" means a qualifying dosage form for a cannabidiol~~  
 4146 ~~product under Section 26-65-103.~~

4147 [~~(7) (5) "Physician" means an individual who is licensed to practice:~~

4148 (a) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or

4149 (b) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical

4150 Practice Act.

4151 Section 94. Section **26-65-103 (Effective 07/01/19)** is amended to read:

4152 **26-65-103 (Effective 07/01/19). Medicinal dosage form.**

4153 (1) For the purpose of this chapter, any of the following is a qualifying medicinal  
4154 dosage form for a cannabidiol product:

4155 (a) a tablet;

4156 (b) a capsule;

4157 (c) a concentrated oil;

4158 (d) a liquid suspension;

4159 (e) a transdermal preparation; and

4160 (f) a sublingual preparation.

4161 (2) A patient may not purchase, use, or possess a cannabidiol product unless the  
4162 cannabidiol product is prepared in a medicinal dosage form.

4163 (3) A [~~cannabidiol-qualified~~] pharmacy may not purchase, possess, or sell a  
4164 cannabidiol product unless the cannabidiol product is prepared in a medicinal dosage form.

4165 (4) The department may recommend that the Legislature approve the use of an  
4166 additional medicinal dosage form.

4167 Section 95. Section **26A-1-117** is amended to read:

4168 **26A-1-117. Funding of departments -- Tax levies.**

4169 (1) Counties [~~involved in the establishment and operation of local health departments~~]  
4170 shall fund the local health departments with [~~appropriations from the General Fund, from the~~  
4171 ~~levy of a tax, or in part by an appropriation and in part by a levy under Section 17-53-221.~~] a  
4172 separate ceiling exempt tax under Section 59-2-911 that:

4173 (a) the county shall maintain at a minimum of .0002 per dollar of taxable value of  
4174 taxable property; and

4175 (b) does not exceed .0004 per dollar of taxable value of taxable property.

4176 (2) [~~A~~] In addition to the requirements in Subsection (1), a local health department may  
4177 be funded as provided by law from:

4178 (a) local, state, and federal funds within local levy ceilings;

4179 (b) a separate ceiling exempt tax under Section 59-2-911, which may not exceed .0004  
4180 per dollar of taxable value of taxable property; [~~or~~]

4181 (c) the levy of a tax under Section 17-53-221; or  
4182 ~~[(e)]~~ (d) in part by each of Subsections (2)(a), (b), and (c).  
4183 (3) ~~[Local funds from either tax source shall be appropriated by the]~~ The local  
4184 governing authorities of the counties participating in the local health department shall  
4185 appropriate local funds from any tax source.

4186 Section 96. Section **30-3-10** is amended to read:

4187 **30-3-10. Custody of children in case of separation or divorce -- Custody**  
4188 **consideration.**

4189 (1) If a ~~[husband and wife]~~ married couple having one or more minor children are  
4190 separated, or their marriage is declared void or dissolved, the court shall make an order for the  
4191 future care and custody of the minor children as it considers appropriate.

4192 (a) In determining any form of custody, including a change in custody, the court shall  
4193 consider the best interests of the child without preference for either ~~[the mother or father]~~  
4194 parent solely because of the biological sex of the parent and, among other factors the court  
4195 finds relevant, the following:

4196 (i) in accordance with Subsection (7), the past conduct and demonstrated moral  
4197 standards of each of the parties;

4198 (ii) which parent is most likely to act in the best interest of the child, including  
4199 allowing the child frequent and continuing contact with the noncustodial parent;

4200 (iii) the extent of bonding between the parent and child, meaning the depth, quality,  
4201 and nature of the relationship between a parent and child;

4202 (iv) whether the parent has intentionally exposed the child to pornography or material  
4203 harmful to a minor, as defined in Section 76-10-1201; and

4204 (v) those factors outlined in Section 30-3-10.2.

4205 (b) There ~~[shall be]~~ is a rebuttable presumption that joint legal custody, as defined in  
4206 Section 30-3-10.1, is in the best interest of the child, except in cases where there is:

4207 (i) domestic violence in the home or in the presence of the child;

4208 (ii) special physical or mental needs of a parent or child, making joint legal custody  
4209 unreasonable;

4210 (iii) physical distance between the residences of the parents, making joint decision  
4211 making impractical in certain circumstances; or



4212 (iv) any other factor the court considers relevant including those listed in this section  
4213 and Section 30-3-10.2.

4214 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan in  
4215 accordance with Sections 30-3-10.8 and 30-3-10.9.

4216 (ii) A presumption for joint legal custody may be rebutted by a showing by a  
4217 preponderance of the evidence that it is not in the best interest of the child.

4218 (d) [~~The children~~] A child may not be required by either party to testify unless the trier  
4219 of fact determines that extenuating circumstances exist that would necessitate the testimony of  
4220 the [~~children~~] child be heard and there is no other reasonable method to present [~~their~~] the  
4221 child's testimony.

4222 (e) (i) The court may inquire of [~~the children~~] the child's and take into consideration the  
4223 [~~children's~~] the child's desires regarding future custody or parent-time schedules, but the  
4224 expressed desires are not controlling and the court may determine the children's custody or  
4225 parent-time otherwise.

4226 (ii) The desires of a child 14 years of age or older shall be given added weight, but is  
4227 not the single controlling factor.

4228 (f) (i) If [~~interviews~~] an interview with [~~the children are~~] a child is conducted by the  
4229 court pursuant to Subsection (1)(e), [~~they~~] the interview shall be conducted by the judge in  
4230 camera.

4231 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
4232 finds that an interview with [~~the children~~] a child is the only method to ascertain the child's  
4233 desires regarding custody.

4234 (2) In awarding custody, the court shall consider, among other factors the court finds  
4235 relevant, which parent is most likely to act in the best interests of the child, including allowing  
4236 the child frequent and continuing contact with the noncustodial parent as the court finds  
4237 appropriate.

4238 (3) If the court finds that one parent does not desire custody of the child, the court shall  
4239 take that evidence into consideration in determining whether to award custody to the other  
4240 parent.

4241 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a  
4242 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining

4243 whether a substantial change has occurred for the purpose of modifying an award of custody.

4244 (b) ~~[If a]~~ The court [takes a parent's] may not consider the disability [into account] of a  
 4245 parent as a factor in awarding custody or [determining whether] modifying an award of custody  
 4246 based on a determination of a substantial change [has occurred for the purpose of modifying an  
 4247 award of custody, the parent with a disability may rebut any evidence, presumption, or  
 4248 inference arising from the disability by showing] in circumstances, unless the court makes  
 4249 specific findings that:

4250 (i) the disability ~~[does not]~~ significantly or substantially ~~[inhibit]~~ inhibits the parent's  
 4251 ability to provide for the physical and emotional needs of the child at issue; and

4252 (ii) the parent with a disability ~~[has]~~ lacks sufficient human, monetary, or other  
 4253 resources available to supplement the parent's ability to provide for the physical and emotional  
 4254 needs of the child at issue.

4255 (c) Nothing in this section may be construed to apply to adoption proceedings under  
 4256 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

4257 (5) This section establishes neither a preference nor a presumption for or against joint  
 4258 physical custody or sole physical custody, but allows the court and the family the widest  
 4259 discretion to choose a parenting plan that is in the best interest of the child.

4260 (6) When an issue before the court involves custodial responsibility in the event of a  
 4261 deployment of one or both parents who are servicemembers, and the servicemember has not yet  
 4262 been notified of deployment, the court shall resolve the issue based on the standards in Sections  
 4263 78B-20-306 through 78B-20-309.

4264 ~~[(6)]~~ (7) In considering the past conduct and demonstrated moral standards of each ~~[of~~  
 4265 ~~the parties as described]~~ party under Subsection (1)(a)(i)~~[-];~~ or any other factor a court finds  
 4266 relevant, the court may not discriminate against a parent because of or otherwise consider the  
 4267 parent's:

4268 (a) lawful possession or ~~[consumption]~~ use of cannabis in a medicinal dosage form, a  
 4269 cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with  
 4270 Title 26, Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act~~[-];~~ or ~~[because of]~~

4271 (b) ~~[the parent's]~~ status as a:

4272 (i) cannabis production establishment agent, as that term is defined in Section  
 4273 4-41a-102;

4274 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;  
 4275 (iii) state central fill agent, as that term is defined in Section 26-61a-102; or  
 4276 (iv) medical cannabis cardholder in accordance with [Title 4, Chapter 41b, a cannabis  
 4277 dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in  
 4278 accordance with] Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act.

4279 Section 97. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

4280 **41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable**  
 4281 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4282 (1) As used in this section:

4283 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

4284 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

4285 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

4286 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

4287 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
 4288 operate or be in actual physical control of a motor vehicle within this state if the person has any  
 4289 measurable controlled substance or metabolite of a controlled substance in the person's body.

4290 (3) It is an affirmative defense to prosecution under this section that the controlled  
 4291 substance was:

4292 (a) involuntarily ingested by the accused;

4293 (b) prescribed by a practitioner for use by the accused; [or]

4294 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage

4295 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical

4296 Cannabis Act; or

4297 [(e)] (d) otherwise legally ingested.

4298 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
 4299 misdemeanor.

4300 (b) A person who violates this section is subject to conviction and sentencing under  
 4301 both this section and any applicable offense under Section 58-37-8.

4302 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
 4303 section when the officer has probable cause to believe the violation has occurred, although not  
 4304 in the officer's presence, and if the officer has probable cause to believe that the violation was

4305 committed by the person.

4306 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
4307 date of arrest:

4308 (a) suspend, for a period of 120 days, the driver license of a person convicted under  
4309 Subsection (2) of an offense committed on or after July 1, 2009; or

4310 (b) revoke, for a period of two years, the driver license of a person if:

4311 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4312 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4313 and within a period of 10 years after the date of the prior violation.

4314 (7) The Driver License Division shall, if the person is 19 years of age or older but  
4315 under 21 years of age on the date of arrest:

4316 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
4317 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
4318 on or after July 1, 2011; or

4319 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
4320 longer, the driver license of a person if:

4321 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4322 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4323 and within a period of 10 years after the date of the prior violation.

4324 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
4325 of arrest:

4326 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
4327 under Subsection (2) of an offense committed on or after July 1, 2009; or

4328 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4329 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4330 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4331 and within a period of 10 years after the date of the prior violation.

4332 (9) The Driver License Division shall subtract from any suspension or revocation  
4333 period the number of days for which a license was previously suspended under Section  
4334 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
4335 which the record of conviction is based.

4336 (10) The Driver License Division shall:

4337 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
4338 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
4339 committed prior to July 1, 2009; or

4340 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
4341 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4342 (i) the person was 20 years of age or older but under 21 years of age at the time of  
4343 arrest; and

4344 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
4345 July 1, 2009, and prior to July 1, 2011.

4346 (11) A court that reported a conviction of a violation of this section for a violation that  
4347 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
4348 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
4349 if the person:

4350 (a) completes at least six months of the license suspension;

4351 (b) completes a screening;

4352 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
4353 (11)(b);

4354 (d) completes substance abuse treatment if it is found appropriate by the assessment  
4355 under Subsection (11)(c);

4356 (e) completes an educational series if substance abuse treatment is not required by the  
4357 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4358 (f) has not been convicted of a violation of any motor vehicle law in which the person  
4359 was involved as the operator of the vehicle during the suspension period imposed under  
4360 Subsection (7)(a) or (8)(a);

4361 (g) has complied with all the terms of the person's probation or all orders of the court if  
4362 not ordered to probation; and

4363 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
4364 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
4365 person or unlawfully consumed alcohol during the suspension period imposed under  
4366 Subsection (7)(a) or (8)(a); or

4367 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
4368 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
4369 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
4370 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
4371 under Subsection (7)(a) or (8)(a).

4372 (12) If the court shortens a person's license suspension period in accordance with the  
4373 requirements of Subsection (11), the court shall forward the order shortening the person's  
4374 license suspension period prior to the completion of the suspension period imposed under  
4375 Subsection (7)(a) or (8)(a) to the Driver License Division.

4376 (13) (a) The court shall notify the Driver License Division if a person fails to:

4377 (i) complete all court ordered screening and assessment, educational series, and  
4378 substance abuse treatment; or

4379 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4380 (b) Upon receiving the notification, the division shall suspend the person's driving  
4381 privilege in accordance with Subsections 53-3-221(2) and (3).

4382 (14) The court:

4383 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
4384 convicted under Subsection (2); and

4385 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
4386 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4387 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
4388 License Division may shorten the suspension period imposed under Subsection (6) before  
4389 completion of the suspension period if the person is participating in or has successfully  
4390 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4391 (b) If the court shortens a person's license suspension period in accordance with the  
4392 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
4393 order shortening the person's suspension period.

4394 (c) The court shall notify the Driver License Division if a person fails to complete all  
4395 requirements of a 24-7 sobriety program.

4396 (d) Upon receiving the notification described in Subsection (15)(c), the division shall  
4397 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4398 Section 98. Section **41-6a-517 (Effective 07/01/19)** is amended to read:

4399 **41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable**  
4400 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4401 (1) As used in this section:

4402 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

4403 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

4404 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

4405 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

4406 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
4407 operate or be in actual physical control of a motor vehicle within this state if the person has any  
4408 measurable controlled substance or metabolite of a controlled substance in the person's body.

4409 (3) It is an affirmative defense to prosecution under this section that the controlled  
4410 substance was:

4411 (a) involuntarily ingested by the accused;

4412 (b) prescribed by a practitioner for use by the accused [~~or recommended by a physician~~  
4413 ~~for use by the accused; or~~];

4414 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
4415 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical  
4416 Cannabis Act; or

4417 [~~(c)~~] (d) otherwise legally ingested.

4418 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
4419 misdemeanor.

4420 (b) A person who violates this section is subject to conviction and sentencing under  
4421 both this section and any applicable offense under Section 58-37-8.

4422 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
4423 section when the officer has probable cause to believe the violation has occurred, although not  
4424 in the officer's presence, and if the officer has probable cause to believe that the violation was  
4425 committed by the person.

4426 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
4427 date of arrest:

4428 (a) suspend, for a period of 120 days, the driver license of a person convicted under

4429 Subsection (2) of an offense committed on or after July 1, 2009; or

4430 (b) revoke, for a period of two years, the driver license of a person if:

4431 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4432 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4433 and within a period of 10 years after the date of the prior violation.

4434 (7) The Driver License Division shall, if the person is 19 years of age or older but

4435 under 21 years of age on the date of arrest:

4436 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is

4437 longer, the driver license of a person convicted under Subsection (2) of an offense committed

4438 on or after July 1, 2011; or

4439 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is

4440 longer, the driver license of a person if:

4441 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4442 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4443 and within a period of 10 years after the date of the prior violation.

4444 (8) The Driver License Division shall, if the person is under 19 years of age on the date

4445 of arrest:

4446 (a) suspend, until the person is 21 years of age, the driver license of a person convicted

4447 under Subsection (2) of an offense committed on or after July 1, 2009; or

4448 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4449 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4450 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4451 and within a period of 10 years after the date of the prior violation.

4452 (9) The Driver License Division shall subtract from any suspension or revocation

4453 period the number of days for which a license was previously suspended under Section

4454 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon

4455 which the record of conviction is based.

4456 (10) The Driver License Division shall:

4457 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in

4458 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was

4459 committed prior to July 1, 2009; or



4460 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
4461 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4462 (i) the person was 20 years of age or older but under 21 years of age at the time of  
4463 arrest; and

4464 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
4465 July 1, 2009, and prior to July 1, 2011.

4466 (11) A court that reported a conviction of a violation of this section for a violation that  
4467 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
4468 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
4469 if the person:

4470 (a) completes at least six months of the license suspension;

4471 (b) completes a screening;

4472 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
4473 (11)(b);

4474 (d) completes substance abuse treatment if it is found appropriate by the assessment  
4475 under Subsection (11)(c);

4476 (e) completes an educational series if substance abuse treatment is not required by the  
4477 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4478 (f) has not been convicted of a violation of any motor vehicle law in which the person  
4479 was involved as the operator of the vehicle during the suspension period imposed under  
4480 Subsection (7)(a) or (8)(a);

4481 (g) has complied with all the terms of the person's probation or all orders of the court if  
4482 not ordered to probation; and

4483 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
4484 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
4485 person or unlawfully consumed alcohol during the suspension period imposed under  
4486 Subsection (7)(a) or (8)(a); or

4487 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
4488 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
4489 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
4490 for use by the person or unlawfully consumed alcohol during the suspension period imposed

4491 under Subsection (7)(a) or (8)(a).

4492 (12) If the court shortens a person's license suspension period in accordance with the  
4493 requirements of Subsection (11), the court shall forward the order shortening the person's  
4494 license suspension period prior to the completion of the suspension period imposed under  
4495 Subsection (7)(a) or (8)(a) to the Driver License Division.

4496 (13) (a) The court shall notify the Driver License Division if a person fails to:

4497 (i) complete all court ordered screening and assessment, educational series, and  
4498 substance abuse treatment; or

4499 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4500 (b) Upon receiving the notification, the division shall suspend the person's driving  
4501 privilege in accordance with Subsections 53-3-221(2) and (3).

4502 (14) The court:

4503 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
4504 convicted under Subsection (2); and

4505 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
4506 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4507 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
4508 License Division may shorten the suspension period imposed under Subsection (6) before  
4509 completion of the suspension period if the person is participating in or has successfully  
4510 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4511 (b) If the court shortens a person's license suspension period in accordance with the  
4512 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
4513 order shortening the person's suspension period.

4514 (c) The court shall notify the Driver License Division if a person fails to complete all  
4515 requirements of a 24-7 sobriety program.

4516 (d) Upon receiving the notification described in Subsection (15)(c), the division shall  
4517 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4518 Section 99. Section **49-11-1401** is amended to read:

4519 **49-11-1401. Forfeiture of retirement benefits for employees for employment**  
4520 **related offense convictions -- Notifications -- Investigations -- Appeals.**

4521 (1) As used in this section:

4522 (a) "Convicted" means a conviction by plea or by verdict, including a plea of guilty or a  
4523 plea of no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
4524 regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance  
4525 with the plea in abeyance agreement.

4526 (b) "Employee" means a member of a system or plan administered by the board.

4527 (c) (i) "Employment related offense" means a felony committed during employment or  
4528 the term of an elected or appointed office with a participating employer that is:

4529 [(i)] (A) during the performance of the employee's duties;

4530 [(ii)] (B) within the scope of the employee's employment; or

4531 [(iii)] (C) under color of the employee's authority.

4532 (ii) "Employment related offense" does not include any federal offense for conduct that  
4533 is lawful under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4534 (2) (a) Notwithstanding any other provision of this title, an employee shall forfeit  
4535 accrual of service credit, employer retirement related contributions, including employer  
4536 contributions to the employer sponsored defined contribution plans, or other retirement related  
4537 benefits from a system or plan under this title in accordance with this section.

4538 (b) The forfeiture of retirement related benefits under Subsection (2)(a) does not  
4539 include the employee's contribution to a defined contribution plan.

4540 (3) An employee shall forfeit the benefits described under Subsection (2)(a):

4541 (a) if the employee is convicted of an employment related offense;

4542 (b) beginning on the day on which the employment related offense occurred; and

4543 (c) until the employee is either:

4544 (i) re-elected or reappointed to office; or

4545 (ii) (A) terminated from the position for which the employee was found to have  
4546 committed an employment related offense; and

4547 (B) rehired or hired as an employee who is eligible to be a member of a Utah state  
4548 retirement system or plan.

4549 (4) The employee's participating employer shall:

4550 (a) immediately notify the office:

4551 (i) if an employee is charged with an offense that is or may be an employment related  
4552 offense under this section; and

4553 (ii) if the employee described in Subsection (4)(a)(i) is acquitted of the offense that is  
4554 or may be an employment related offense under this section; and

4555 (b) if the employee is convicted of an offense that may be an employment related  
4556 offense:

4557 (i) conduct an investigation, which may rely on the conviction, to determine:

4558 (A) whether the conviction is for an employment related offense; and

4559 (B) the date on which the employment related offense was initially committed; and

4560 (ii) after the period of time for an appeal by an employee under Subsection (5),  
4561 immediately notify the office of the employer's determination under this Subsection (4)(b).

4562 (5) An employee may appeal the employee's participating employer's determination  
4563 under Subsection (4)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures  
4564 Act.

4565 (6) (a) Notwithstanding Subsection (4), a district attorney, a county attorney, the  
4566 attorney general's office, or the state auditor may notify the office and the employee's  
4567 participating employer if an employee is charged with an offense that is or may be an  
4568 employment related offense under this section.

4569 (b) If the employee's participating employer receives a notification under Subsection  
4570 (6)(a), the participating employer shall immediately report to the entity that provided the  
4571 notification under Subsection (6)(a):

4572 (i) if the employee is acquitted of the offense;

4573 (ii) if the employee is convicted of an offense that may be an employment related  
4574 offense; and

4575 (iii) when the participating employer has concluded its duties under this section if the  
4576 employee is convicted, including conducting an investigation, making a determination under  
4577 Subsection (4)(b) that the conviction was for an employment related offense, and notifying the  
4578 office under Subsection (7).

4579 (c) The notifying entity under Subsection (6)(a) may assist the employee's participating  
4580 employer with the investigation and determination described under Subsection (4)(b).

4581 (7) Upon receiving a notification from a participating employer that the participating  
4582 employer has made a determination under Subsection (4)(b) that the conviction was for an  
4583 employment related offense, the office shall immediately forfeit any service credit, employer

4584 retirement related contributions, including employer contributions to the employer sponsored  
4585 contribution plans, or other retirement related benefits accrued by or made for the benefit of the  
4586 employee, beginning on the date of the initial employment related offense determined under  
4587 Subsection (4)(b).

4588 (8) This section applies to an employee who is convicted on or after the effective date  
4589 of this act for an employment related offense.

4590 (9) The board may make rules to implement this section.

4591 (10) If any provision of this section, or the application of any provision to any person  
4592 or circumstance, is held invalid, the remainder of this section shall be given effect without the  
4593 invalid provision or application.

4594 Section 100. Section **53-1-106.5** is amended to read:

4595 **53-1-106.5. Utah Medical Cannabis Act -- Department duties.**

4596 In addition to the duties described in Section 53-1-106, the department shall:

4597 (1) provide standards for training peace officers and law enforcement agencies in the  
4598 use of the state electronic verification system; and

4599 (2) collaborate with the Department of Health and the Department of Agriculture and  
4600 Food to provide standards for training peace officers and law enforcement agencies in medical  
4601 cannabis law.

4602 Section 101. Section **53-10-117** is enacted to read:

4603 **53-10-117. Medical cannabis background checks.**

4604 (1) As used in this section:

4605 (a) "Cannabis production establishment" means the same as that term is defined in  
4606 Section 4-41a-102.

4607 (b) "Cannabis production establishment agent" means the same as that term is defined  
4608 in Section 4-41a-102.

4609 (c) "Local health department distribution agent" means the same as that term is defined  
4610 in Section 26-61a-102.

4611 (d) "Medical cannabis caregiver card" means the same as that term is defined in  
4612 Section 26-61a-102.

4613 (e) "Medical cannabis guardian card" means the same as that term is defined in Section  
4614 26-61a-102.

4615 (f) "Medical cannabis pharmacy" means the same as that term is defined in Section  
4616 26-61a-102.

4617 (g) "Medical cannabis pharmacy agent" means the same as that term is defined in  
4618 Section 26-61a-102.

4619 (h) "State central fill agent" means the same as that term is defined in Section  
4620 26-61a-102.

4621 (2) The Department of Public Safety shall:

4622 (a) complete a Federal Bureau of Investigation criminal background check for each  
4623 individual who is the subject of a request from:

4624 (i) the Department of Agriculture and Food under:

4625 (A) for certain owners and directors of an applicant for a cannabis production  
4626 establishment license, Section 4-41a-202; and

4627 (B) for a prospective cannabis production establishment agent, Section 4-41a-301; and

4628 (ii) the Department of Health under:

4629 (A) for an applicant for a medical cannabis guardian card or a medical cannabis  
4630 caregiver card, Section 26-61a-203;

4631 (B) for certain owners and directors of an applicant for a medical cannabis pharmacy  
4632 license, Section 26-61a-302;

4633 (C) for a prospective medical cannabis pharmacy agent, Section 26-61a-401;

4634 (D) for a prospective state central fill agent, Section 26-61a-602; and

4635 (E) for a prospective local health department distribution agent, Section 26-61a-606;

4636 (b) report the results of the background check described in Subsection (2)(a) to the  
4637 department that made the request; and

4638 (c) register in the FBI Rap Back System, as that term is defined in Section 53-10-108:

4639 (i) each individual the Department of Agriculture and Food reports:

4640 (A) in relation to a license application approval under Subsection 4-41a-201(3)(b); and

4641 (B) as a cannabis production establishment agent under Subsection 4-41a-301(3)(c);

4642 and

4643 (ii) each individual the Department of Health reports:

4644 (A) as a medical cannabis guardian cardholder under Subsection 26-61a-201(2)(b);

4645 (B) as a medical cannabis caregiver cardholder under Subsection 26-61a-202(3)(a);

- 4646 (C) in relation to a license application approval under Subsection 26-61a-301(3)(b);  
4647 (D) as a medical cannabis pharmacy agent under Subsection 26-61a-401(3)(c);  
4648 (E) as a state central fill agent under Subsection 26-61a-602(2)(c); and  
4649 (F) as a local health department distribution agent under Subsection 26-61a-606(2)(c).

4650 Section 102. Section **58-17b-302** is amended to read:

4651 **58-17b-302. License required -- License classifications for pharmacy facilities.**

4652 (1) A license is required to act as a pharmacy, except:

- 4653 (a) as specifically exempted from licensure under Section 58-1-307[-]; and  
4654 (b) for the operation of a medical cannabis pharmacy or the state central fill medical  
4655 cannabis pharmacy under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4656 (2) The division shall issue a pharmacy license to a facility that qualifies under this  
4657 chapter in the classification of a:

- 4658 (a) class A pharmacy;  
4659 (b) class B pharmacy;  
4660 (c) class C pharmacy;  
4661 (d) class D pharmacy;  
4662 (e) class E pharmacy; or  
4663 (f) dispensing medical practitioner clinic pharmacy.

4664 (3) (a) Each place of business shall require a separate license.

4665 (b) If multiple pharmacies exist at the same address, a separate license shall be required  
4666 for each pharmacy.

4667 (4) (a) The division may further define or supplement the classifications of pharmacies.

4668 (b) The division may impose restrictions upon classifications to protect the public  
4669 health, safety, and welfare.

4670 (5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall  
4671 have a pharmacist-in-charge, except as otherwise provided by rule.

4672 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,  
4673 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities  
4674 of the pharmacy, regardless of the form of the business organization.

4675 Section 103. Section **58-17b-310** is amended to read:

4676 **58-17b-310. Continuing education.**

4677           (1) The division in collaboration with the board may establish by rule continuing  
4678 education requirements for each classification of licensure under this chapter.

4679           (2) The division shall accept and apply toward an hour requirement that the division  
4680 establishes under Subsection (1) continuing education that a pharmacist completes in  
4681 accordance with Sections 26-61a-403 and 26-61a-601.

4682           Section 104. Section **58-17b-502** is amended to read:

4683           **58-17b-502. Unprofessional conduct.**

4684           (1) "Unprofessional conduct" includes:

4685           ~~(1)~~ (a) willfully deceiving or attempting to deceive the division, the board, or their  
4686 agents as to any relevant matter regarding compliance under this chapter;

4687           ~~(2)(a)~~ (b) except as provided in Subsection (2)~~(b)~~:

4688           (i) paying or offering rebates to practitioners or any other health care providers, or  
4689 receiving or soliciting rebates from practitioners or any other health care provider; or

4690           (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,  
4691 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care  
4692 provider, for the purpose of obtaining referrals[-];

4693           ~~(b) Subsection (2)(a) does not apply to:~~

4694           ~~(i) giving or receiving price discounts based on purchase volume;~~

4695           ~~(ii) passing along pharmaceutical manufacturer's rebates; or~~

4696           ~~(iii) providing compensation for services to a veterinarian.]~~

4697           ~~(3)~~ (c) misbranding or adulteration of any drug or device or the sale, distribution, or  
4698 dispensing of any outdated, misbranded, or adulterated drug or device;

4699           ~~(4)~~ (d) engaging in the sale or purchase of drugs or devices that are samples or  
4700 packages bearing the inscription "sample" or "not for resale" or similar words or phrases;

4701           ~~(5)~~ (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription  
4702 Drug Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it  
4703 has left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section  
4704 58-17b-503, or the manufacturer's sealed container, as defined in rule;

4705           ~~(6)~~ (f) an act in violation of this chapter committed by a person for any form of  
4706 compensation if the act is incidental to the person's professional activities, including the  
4707 activities of a pharmacist, pharmacy intern, or pharmacy technician;



4708           ~~[(7)]~~ (g) violating:

4709           ~~[(a)]~~ (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

4710           ~~[(b)]~~ (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

4711           ~~[(c)]~~ (iii) rules or regulations adopted under either act;

4712           ~~[(8)]~~ (h) requiring or permitting pharmacy interns or technicians to engage in activities

4713 outside the scope of practice for their respective license classifications, as defined in this

4714 chapter and division rules made in collaboration with the board, or beyond their scope of

4715 training and ability;

4716           ~~[(9)]~~ (i) administering:

4717           ~~[(a)]~~ (i) without appropriate training, as defined by rule;

4718           ~~[(b)]~~ (ii) without a physician's order, when one is required by law; and

4719           ~~[(c)]~~ (iii) in conflict with a practitioner's written guidelines or written protocol for

4720 administering;

4721           ~~[(10)]~~ (j) disclosing confidential patient information in violation of the provisions of

4722 the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110

4723 Stat. 1936, as amended, or other applicable law;

4724           ~~[(11)]~~ (k) engaging in the practice of pharmacy without a licensed pharmacist

4725 designated as the pharmacist-in-charge;

4726           ~~[(12)]~~ (l) failing to report to the division any adverse action taken by another licensing

4727 jurisdiction, government agency, law enforcement agency, or court for conduct that in

4728 substance would be considered unprofessional conduct under this section;

4729           ~~[(13)]~~ (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a

4730 dosage form which is regularly and commonly available from a manufacturer in quantities and

4731 strengths prescribed by a practitioner; ~~[and]~~

4732           ~~[(14)]~~ (n) failing to act in accordance with Title 26, Chapter 64, Family Planning

4733 Access Act, when dispensing a self-administered hormonal contraceptive under a standing

4734 order[-]; and

4735           (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

4736           (2) Subsection (1)(b) does not apply to:

4737           (a) giving or receiving a price discount based on purchase volume;

4738           (b) passing along a pharmaceutical manufacturer's rebate; or

4739 (c) providing compensation for services to a veterinarian.

4740 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter

4741 61a, Utah Medical Cannabis Act:

4742 (a) when registered as a pharmacy medical provider, as that term is defined in Section  
4743 20-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

4744 (b) when registered as a state central fill medical provider, as that term is defined in  
4745 Section 26-61a-102, providing state central fill medical provider services in the state central fill  
4746 medical cannabis pharmacy.

4747 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in  
4748 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
4749 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

4750 Section 105. Section **58-20b-101** is enacted to read:

4751 **CHAPTER 20b. ENVIRONMENTAL HEALTH SCIENTIST ACT**

4752 **Part 1. General Provisions.**

4753 **58-20b-101. Title.**

4754 This chapter is known as the "Environmental Health Scientist Act."

4755 Section 106. Section **58-20b-102** is enacted to read:

4756 **58-20b-102. Definitions.**

4757 In addition to the definitions in Section 58-1-102, as used in this chapter:

4758 (1) "Accredited program" means a degree-offering program from:

4759 (a) an institution, college, or university that is accredited by the Department of

4760 Education or the Council for Higher Education Accreditation; or

4761 (b) a non-accredited institution, college, or university that offers education equivalent  
4762 to Department of Education-accredited programs, as determined by a third party selected by the  
4763 board.

4764 (2) "Board" means the Environmental Health Scientist Board created in Section  
4765 58-20b-201.

4766 (3) "General supervision" means the supervising environmental health scientist is  
4767 available for immediate voice communication with the person he or she is supervising.

4768 (4) "Practice of environmental health science" means:

4769 (a) the enforcement of, the issuance of permits required by, or the inspection for the

4770 purpose of enforcing state and local public health laws in the following areas:

4771 (i) air quality;

4772 (ii) food quality;

4773 (iii) solid, hazardous, and toxic substances disposal;

4774 (iv) consumer product safety;

4775 (v) housing;

4776 (vi) noise control;

4777 (vii) radiation protection;

4778 (viii) water quality;

4779 (ix) vector control;

4780 (x) drinking water quality;

4781 (xi) milk sanitation;

4782 (xii) rabies control;

4783 (xiii) public health nuisances;

4784 (xiv) indoor clean air regulations;

4785 (xv) institutional and residential sanitation; or

4786 (xvi) recreational facilities sanitation; or

4787 (b) representing oneself in any manner as, or using the titles "environmental health  
4788 scientist," "environmental health scientist-in-training," or "registered sanitarian."

4789 (5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

4790 (6) "Unprofessional conduct" means the same as that term is defined in Sections  
4791 58-1-501 and 58-20b-501 and as may be further defined by division rule.

4792 Section 107. Section **58-20b-201** is enacted to read:

4793 **Part 2. Board.**

4794 **58-20b-201. Board.**

4795 (1) There is created the Environmental Health Scientist Board consisting of four  
4796 environmental health scientists in good standing and one member of the general public.

4797 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

4798 (3) The duties and responsibilities of the board shall be in accordance with Sections  
4799 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a  
4800 permanent or rotating basis to:

4801 (a) assist the division in reviewing complaints concerning the unlawful or  
4802 unprofessional conduct of a licensee; and

4803 (b) advise the division in its investigation of these complaints.

4804 (4) A board member who has, under Subsection (3), reviewed a complaint or advised  
4805 in the investigation of the complaint is disqualified from participating with the board when the  
4806 board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

4807 Section 108. Section **58-20b-301** is enacted to read:

4808 **Part 3. Licensing.**

4809 **58-20b-301. Licensure required -- License classifications.**

4810 (1) A person shall hold a license under this chapter in order to engage in the practice of  
4811 environmental health science while employed by any of the following, except as specifically  
4812 exempted in Section 58-20b-305 or 58-1-307:

4813 (a) a local health department;

4814 (b) the state Department of Health;

4815 (c) the state Department of Human Services;

4816 (d) the Department of Agriculture and Food as a food and dairy compliance officer; or

4817 (e) a local health department as its director of environmental health services.

4818 (2) Any other individual not subject to Subsection (1) may also be licensed under this  
4819 chapter upon compliance with all requirements.

4820 (3) The division shall issue to persons who qualify under this chapter a license in the  
4821 classification:

4822 (a) environmental health scientist; or

4823 (b) environmental health scientist-in-training.

4824 Section 109. Section **58-20b-302** is enacted to read:

4825 **58-20b-302. Qualifications for licensure.**

4826 (1) Except as provided in Subsection (2), an applicant for licensure as an  
4827 environmental health scientist shall:

4828 (a) submit an application in a form prescribed by the division;

4829 (b) pay a fee determined by the department under Section 63J-1-504;

4830 (c) be of good moral character;

4831 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university

4832 or college, which degree includes completion of specific course work as defined by rule;

4833 (e) pass an examination as determined by division rule in collaboration with the board;

4834 and

4835 (f) pass the Utah Law and Rules Examination for Environmental Health Scientists

4836 administered by the division.

4837 (2) An applicant for licensure as an environmental health scientist-in-training shall:

4838 (a) submit an application in a form prescribed by the division;

4839 (b) pay a fee determined by the department under Section 63J-1-504;

4840 (c) be of good moral character;

4841 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university

4842 or college, which degree includes completion of specific course work as defined by rule;

4843 (e) pass the Utah Law and Rules Examination for Environmental Health Scientists

4844 administered by the division; and

4845 (f) present evidence acceptable to the division and the board that the applicant, when

4846 licensed, will practice as an environmental health scientist-in-training only under the general

4847 supervision of a supervising environmental health scientist licensed under this chapter.

4848 Section 110. Section **58-20b-303** is enacted to read:

4849 **58-20b-303. Term of license -- Expiration -- Renewal.**

4850 (1) (a) The division shall issue each license for an environmental health scientist in

4851 accordance with a two-year renewal cycle established by rule.

4852 (b) The division may by rule extend or shorten a renewal period by as much as one year

4853 to stagger the renewal cycles it administers.

4854 (2) Each license for an environmental health scientist-in-training shall be issued for a

4855 term of two years and may not be renewed.

4856 (3) Each license issued under this chapter automatically expires on the expiration date

4857 shown on the license unless the licensee renews it in accordance with Section 58-1-308.

4858 Section 111. Section **58-20b-304** is enacted to read:

4859 **58-20b-304. Continuing education.**

4860 Each person holding a license under this chapter as an environmental health scientist or

4861 an environmental health scientist-in-training shall complete in each two-year period of

4862 licensure not fewer than 30 hours of professional continuing education in accordance with

4863 standards defined by division rule.

4864 Section 112. Section **58-20b-305** is enacted to read:

4865 **58-20b-305. Exemptions from licensure.**

4866 In addition to the exemptions from licensure in Section 58-1-307, a person is exempt  
4867 from the licensure requirements of this chapter if:

4868 (1) the person's practice of environmental health science is limited to inspecting in  
4869 order to enforce compliance with an inspection and maintenance program established pursuant  
4870 to Section 41-6a-1642 or to issuing permits under that program;

4871 (2) the person is a laboratory staff person employed by the Department of Agriculture  
4872 and Food or the Department of Health, and in the person's employment inspects, permits,  
4873 certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local  
4874 public health laws; or

4875 (3) the person is the local health officer of a local public health department, which  
4876 employs a director of environmental health services licensed under this chapter.

4877 Section 113. Section **58-20b-401** is enacted to read:

4878 **Part 4. License Denial and Discipline.**

4879 **58-20b-401. Grounds for denial of license -- Disciplinary proceedings.**

4880 Grounds for refusing to issue a license to an applicant, for refusing to renew the license  
4881 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a  
4882 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
4883 desist order shall be in accordance with Section 58-1-401.

4884 Section 114. Section **58-20b-501** is enacted to read:

4885 **Part 5. Unprofessional Conduct.**

4886 **58-20b-501. Unprofessional conduct.**

4887 "Unprofessional conduct" includes:

4888 (1) acting dishonestly or fraudulently in the performance of professional duties as an  
4889 environmental health scientist or environmental health scientist-in-training;

4890 (2) intentionally filing a false report or record in the performance of professional duties  
4891 as an environmental health scientist or environmental health scientist-in-training; and

4892 (3) willfully impeding or obstructing another person from filing a report in the  
4893 performance of professional duties as an environmental health scientist or environmental health

4894 scientist-in-training.

4895 Section 115. Section **58-37-3.6 (Superseded 07/01/19)** is amended to read:

4896 **58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a**  
4897 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

4898 (1) As used in this section:

4899 (a) "Cannabinoid product" means a product intended for human ingestion that:

4900 (i) contains an extract or concentrate that is obtained from cannabis;

4901 (ii) is prepared in a medicinal dosage form; and

4902 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

4903 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

4904 (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

4905 (d) "Expanded cannabinoid product" means a product intended for human ingestion

4906 that:

4907 (i) contains an extract or concentrate that is obtained from cannabis;

4908 (ii) is prepared in a medicinal dosage form; and

4909 (iii) contains less than 10 units of cannabidiol for every one unit of

4910 tetrahydrocannabinol.

4911 (e) "Medicinal dosage form" means:

4912 (i) a tablet;

4913 (ii) a capsule;

4914 (iii) a concentrated oil;

4915 (iv) a liquid suspension;

4916 (v) a transdermal preparation; or

4917 (vi) a sublingual preparation.

4918 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the

4919 description in Subsection 58-37-4(2)(a)(iii)(AA).

4920 (2) Notwithstanding any other provision of this chapter, an individual who possesses or

4921 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the

4922 penalties described in this title for the possession or distribution of marijuana or

4923 tetrahydrocannabinol to the extent that the individual's possession or distribution of the

4924 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,

4925 Cannabinoid Research Act.

4926 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~  
 4927 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~  
 4928 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~  
 4929 ~~grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any~~  
 4930 ~~rules made pursuant to Section 4-41-204.]~~

4931 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~  
 4932 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~  
 4933 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~  
 4934 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

4935 Section 116. Section **58-37-3.6 (Effective 07/01/19)** is amended to read:

4936 **58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a**  
 4937 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

4938 (1) As used in this section:

4939 ~~[(a) "Cannabidiol product" means the same as that term is defined in Section~~  
 4940 ~~4-41-102.]~~

4941 ~~[(b)]~~ (a) "Cannabinoid product" means a product intended for human ingestion that:

4942 (i) contains an extract or concentrate that is obtained from cannabis;

4943 (ii) is prepared in a medicinal dosage form; and

4944 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

4945 ~~[(c)]~~ (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or  
 4946 not.

4947 ~~[(d)]~~ (c) "Drug paraphernalia" means the same as that term is defined in Section  
 4948 58-37a-3.

4949 ~~[(e)]~~ (d) "Expanded cannabinoid product" means a product intended for human  
 4950 ingestion that:

4951 (i) contains an extract or concentrate that is obtained from cannabis;

4952 (ii) is prepared in a medicinal dosage form; and

4953 (iii) contains less than 10 units of cannabidiol for every one unit of

4954 tetrahydrocannabinol.

4955 ~~[(f)]~~ (e) "Medicinal dosage form" means:



- 4956 (i) a tablet;  
 4957 (ii) a capsule;  
 4958 (iii) a concentrated oil;  
 4959 (iv) a liquid suspension;  
 4960 (v) a transdermal preparation; or  
 4961 (vi) a sublingual preparation.

4962 ~~[(g)]~~ (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets  
 4963 the description in Subsection 58-37-4(2)(a)(iii)(AA).

4964 (2) Notwithstanding any other provision of this chapter~~[-(a)]~~ an individual who  
 4965 possesses or distributes a cannabinoid product or an expanded cannabinoid product is not  
 4966 subject to the penalties described in this title for the possession or distribution of marijuana or  
 4967 tetrahydrocannabinol to the extent that the individual's possession or distribution of the  
 4968 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,  
 4969 Cannabinoid Research Act~~[-(a)]~~.

4970 ~~[(b) an individual who grows, processes, possesses, transports, or distributes  
 4971 cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into  
 4972 cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent  
 4973 that the individual's growth, processing, possession, transportation, or distribution of the  
 4974 cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol  
 4975 Producers, and]~~

4976 ~~[(c) a person who processes, possesses, or sells cannabidiol is not subject to the  
 4977 penalties described in this title if:]~~

4978 ~~[(i) the person is a cannabidiol-qualified pharmacy, or]~~

4979 ~~[(ii) the person is an individual whose physician has recommended use of the  
 4980 cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified  
 4981 pharmacy.]~~

4982 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,  
 4983 processes, or possesses cannabis is not subject to the penalties described in this title for the  
 4984 growth, processing, or possession of marijuana to the extent that the individual is authorized to  
 4985 grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any  
 4986 rules made pursuant to Section 4-41-204.]~~

4987 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~  
 4988 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~  
 4989 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~  
 4990 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

4991 Section 117. Section **58-37-3.7** is amended to read:

4992 **58-37-3.7. Medical cannabis decriminalization.**

4993 (1) As used in this section:

4994 (a) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.

4995 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

4996 (c) "Medical cannabis card" means the same as that term is defined in Section  
 4997 26-61a-102.

4998 (d) "Medical cannabis device" means the same as that term is defined in Section  
 4999 26-61a-102.

5000 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section  
 5001 26-61a-102.

5002 (f) "Medicinal dosage form" means the same as that term is defined in Section  
 5003 26-61a-102.

5004 (g) "Qualified medical provider" means the same as that term is defined in Section  
 5005 26-61a-102.

5006 (h) "Qualifying condition" means the same as that term is defined in Section  
 5007 26-61a-102.

5008 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section  
 5009 58-37-3.6b.

5010 ~~[(1) (2) Before [July] January 1, [2020] 2021, [it is an affirmative defense to criminal~~  
 5011 ~~charges against an individual] an individual is not guilty under this chapter for the use[-] or~~  
 5012 ~~possession[-or manufacture] of marijuana, tetrahydrocannabinol, or marijuana drug~~  
 5013 ~~paraphernalia [under this chapter that] if:~~

5014 (a) at the time of the arrest, the individual [would be eligible for a medical cannabis  
 5015 card, and that the individuals conduct would have been lawful, after July 1, 2020.];

5016 (i) (A) had been diagnosed with a qualifying condition; and

5017 (B) had a pre-existing relationship with a physician licensed under Title 58, Chapter

5018 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,  
 5019 who believed that the individual's illness described in Subsection (2)(a)(i)(A) could benefit  
 5020 from the use in question; or

5021 (ii) (A) for possession, was a medical cannabis cardholder; or

5022 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying  
 5023 condition under the supervision of a medical cannabis guardian cardholder; and

5024 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity  
 5025 described in Subsection 26-61a-502(2).

5026 ~~[(2)]~~ (3) [It is an affirmative defense to criminal charges against an individual] An  
 5027 individual is not guilty under this chapter for the use or possession of marijuana,  
 5028 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

5029 (a) at the time of the arrest, the individual:

5030 (i) [is a] was not a resident of Utah or has been a resident of Utah for less than 45 days  
 5031 ~~[and was issued];~~

5032 (ii) had a currently valid medical cannabis ~~[identification]~~ card or ~~[its]~~ the equivalent of  
 5033 a medical cannabis card under the laws of another state, district, territory, commonwealth, or  
 5034 insular possession of the United States; and

5035 ~~[(b)]~~ (iii) [the individual has] had been diagnosed with a qualifying ~~[illness]~~ condition  
 5036 as described in Section ~~[26-60b-105:]~~ 26-61a-105; and

5037 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity  
 5038 described in Subsection 26-61a-502(2).

5039 ~~[(3) A court shall, for charges that the court dismisses under Subsection (1) or~~  
 5040 ~~Subsection (2), dismiss the charges without prejudice.]~~

5041 Section 118. Section **58-37-3.8**, which is renumbered from Section 58-37-3.6b is  
 5042 renumbered and amended to read:

5043 **~~[58-37-3.6b].~~ 58-37-3.8. 58-37-3.6b. Exemption for possession or use**  
 5044 **of cannabis to treat a qualifying illness.**

5045 (1) As used in this section:

5046 (a) "Cannabis" means marijuana.

5047 ~~[(b) "Cannabis dispensary" means the same as that term is defined in Section~~  
 5048 ~~26-60b-102.]~~

5049 ~~[(e)]~~ (b) "Cannabis product" means ~~[a product that: (i) is intended for human ingestion;~~  
 5050 ~~and (ii) contains cannabis or tetrahydrocannabinol]~~ the same as that term is defined in Section  
 5051 26-61a-102.

5052 ~~[(d)]~~ "Designated caregiver" means the same as that term is defined in Section  
 5053 ~~26-60b-102.]~~

5054 ~~[(e)]~~ (c) "Drug paraphernalia" means the same as that term is defined in Section  
 5055 58-37a-3.

5056 ~~[(f)]~~ (d) "Marijuana" means the same as that term is defined in Section 58-37-2.

5057 ~~[(g)]~~ (e) "Medical cannabis ~~[card]~~ cardholder" means the same as that term is defined  
 5058 in Section ~~[26-60b-102]~~ 26-61a-102.

5059 ~~[(h)]~~ (f) ~~[(f)]~~ "Medical cannabis device" means ~~[a device that an individual uses to~~  
 5060 ~~ingest cannabis or a cannabis product]~~ the same as that term is defined in Section 26-61a-102.

5061 ~~[(ii)]~~ "Medical cannabis device" does not include a device that facilitates cannabis  
 5062 combustion at a temperature of greater than 750 degrees Fahrenheit.]

5063 ~~[(f)]~~ (g) ~~["Qualifying illness]~~ Medicinal dosage form" means the same as that term is  
 5064 defined in Section ~~[26-60b-102]~~ 26-61a-102.

5065 ~~[(f)]~~ (h) "Tetrahydrocannabinol" means a substance derived from cannabis ~~[that meets~~  
 5066 ~~the description]~~ or a synthetic description as described in Subsection 58-37-4(2)(a)(iii)(AA).

5067 (2) Notwithstanding any other provision of law, except as otherwise provided in this  
 5068 section:

5069 (a) an individual ~~[who]~~ is not guilty of a violation of this title for the following conduct  
 5070 if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis  
 5071 Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:

5072 (i) ~~[possesses, produces, manufactures, dispenses, distributes, sells, or offers]~~  
 5073 ~~possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or offering to~~  
 5074 ~~sell cannabis or a cannabis product; [or who possesses]~~

5075 (ii) possessing cannabis or a cannabis product with the intent to [produce, manufacture,  
 5076 dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the  
 5077 penalties described in this title for] the conduct ~~[to the extent that the individual's conduct~~  
 5078 ~~complies with:]~~ described in Subsection (2)(a)(i); and

5079 ~~[(f)]~~ (b) an individual is guilty of a violation of this title regarding drug paraphernalia if

5080 the individual, in accordance with Title 4, Chapter ~~[41b]~~ 41a, Cannabis Production  
5081 ~~[Establishment;]~~ Establishments, and ~~[(ii)]~~ Title 26, Chapter ~~[60b]~~ 61a, Utah Medical  
5082 Cannabis Act;

5083 ~~[(b)]~~ (i) ~~[an individual who]~~ possesses, manufactures, distributes, sells, or offers to sell  
5084 a medical cannabis device; or

5085 (i) ~~[who]~~ possesses a medical cannabis device with the intent to ~~[manufacture,~~  
5086 ~~distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the~~  
5087 ~~penalties described in this title for the possession, manufacture, distribution, sale, or offer for~~  
5088 ~~sale of drug paraphernalia to the extent that the individual's]~~ engage in any of the conduct  
5089 ~~[complies with:]~~ described in Subsection (2)(b)(i).

5090 ~~[(i) Title 4, Chapter 41b, Cannabis Production Establishment; and]~~  
5091 ~~[(ii) Title 26, Chapter 60b, Medical Cannabis Act.]~~

5092 ~~[(3) For purposes of state law, except as otherwise provided in this section, activities~~  
5093 ~~related to cannabis shall be considered lawful and any cannabis consumed shall be considered~~  
5094 ~~legally ingested, as long as the conduct is in accordance with:]~~

5095 ~~[(a) Title 4, Chapter 41b, Cannabis Production Establishment; and]~~  
5096 ~~[(b) Title 26, Chapter 60b, Medical Cannabis Act.]~~

5097 ~~[(4)]~~ (3) (a) As used in this Subsection (3), "smoking" does not include the  
5098 vaporization or heating of cannabis.

5099 (b) [It is not lawful for] Title 26, Chapter 61a, Utah Medical Cannabis Act, does not  
5100 authorize a medical cannabis ~~[card holder]~~ cardholder to smoke or combust cannabis or to use  
5101 a device to facilitate the smoking or combustion of cannabis. ~~[An individual convicted of~~  
5102 ~~violating this section is guilty of an infraction. For purposes of this section, smoking does not~~  
5103 ~~include a means of administration that involves cannabis combustion at a temperature that is~~  
5104 ~~not greater than 750 degrees Fahrenheit and that does not involve using a flame.]~~

5105 (c) A medical cannabis cardholder who smokes cannabis or engages in any other  
5106 conduct described in Subsection (3)(b):

5107 (i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah  
5108 Medical Cannabis Act; and

5109 (ii) is subject to charges under this chapter for the use or possession of marijuana,  
5110 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection

5111 ~~(3)(b).~~

5112 ~~[(5) An individual is not exempt from the penalties described in this title for ingesting~~  
 5113 ~~cannabis or a cannabis product while operating a motor vehicle.]~~

5114 ~~[(6) (4) An individual who is assessed a penalty or convicted of [an infraction] a crime~~  
 5115 ~~under Title 4, Chapter [41b] 41a, Utah Cannabis Production [Establishment] Establishments,~~  
 5116 ~~or Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act, is not, based on the conduct~~  
 5117 ~~underlying that penalty or conviction, subject to [the penalties] a penalty described in this~~  
 5118 ~~chapter for:~~

5119 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis  
 5120 product; or

5121 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

5122 Section 119. Section **58-37-3.9** is amended to read:

5123 **58-37-3.9. Enforcement.**

5124 (1) ~~[No] A~~ law enforcement officer ~~[employed by an agency that receives state or local~~  
 5125 ~~government funds shall]~~, as that term is defined in Section 53-13-103, may not expend any  
 5126 state or local resources, including the officer's time, to:

5127 (a) effect any arrest or seizure of cannabis, as that term is defined in Section 58-37-3.6b  
 5128 or conduct any investigation, on the sole basis of activity the officer believes to constitute a  
 5129 violation of federal law if the officer has reason to believe that [such] the activity is in  
 5130 compliance with the state medical cannabis laws~~[, nor shall any such officer expend any state~~  
 5131 ~~or local resources, including the officer's time, to];~~

5132 (b) enforce a law that restricts an individual's right to acquire, own, or possess a  
 5133 firearm based solely on the individual's possession or use of cannabis in accordance with state  
 5134 medical cannabis laws; or

5135 (b) provide any information or logistical support related to ~~[such] an activity described~~  
 5136 in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

5137 (2) ~~[No] An~~ agency or political subdivision of ~~[Utah] the state~~ may ~~[rely on a violation~~  
 5138 ~~of federal law as the sole basis for taking] not take~~ an adverse action against a person for  
 5139 providing a professional [services] service to a medical cannabis [dispensary] pharmacy, as that  
 5140 term is defined in Section 26-61a-102, the state central fill medical cannabis pharmacy, as that  
 5141 term is defined in Section 26-61a-102, or a cannabis production establishment [if the person

5142 ~~has not violated the state medical cannabis laws], as that term is defined in Section 4-41a-102,~~  
5143 on the sole basis that the service is a violation of federal law.

5144 Section 120. Section **58-37f-203 (Effective 07/01/19)** is amended to read:

5145 **58-37f-203 (Effective 07/01/19). Submission, collection, and maintenance of data.**

5146 (1) (a) The division shall implement on a statewide basis, including non-resident  
5147 pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to  
5148 submit information:

5149 (i) real-time submission of the information required to be submitted under this part to  
5150 the controlled substance database; and

5151 (ii) 24-hour daily or next business day, whichever is later, batch submission of the  
5152 information required to be submitted under this part to the controlled substance database.

5153 (b) (i) On and after January 1, 2016, a pharmacist shall comply with either:

5154 (A) the submission time requirements established by the division under Subsection  
5155 (1)(a)(i); or

5156 (B) the submission time requirements established by the division under Subsection  
5157 (1)(a)(ii).

5158 (ii) Prior to January 1, 2016, a pharmacist may submit information using either option  
5159 under this Subsection (1).

5160 (c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

5161 (2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a  
5162 controlled substance is dispensed shall submit the data described in this section to the division  
5163 in accordance with:

5164 (i) the requirements of this section;

5165 (ii) the procedures established by the division;

5166 (iii) additional types of information or data fields established by the division; and

5167 (iv) the format established by the division.

5168 (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing  
5169 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with  
5170 the provisions of this section and the dispensing medical practitioner shall assume the duties of  
5171 the pharmacist under this chapter.

5172 (3) ~~(a)~~ The pharmacist-in-charge and the pharmacist described in Subsection (2)

5173 shall, for each controlled substance dispensed by a pharmacist under the pharmacist's  
5174 supervision other than those dispensed for an inpatient at a health care facility, submit to the  
5175 division any type of information or data field established by the division by rule in accordance  
5176 with Subsection (6).

5177 ~~[(b) The pharmacist described in Subsection (2) shall, in the case of a~~  
5178 ~~cannabidiol-qualified pharmacy dispensing a cannabidiol product, submit the following~~  
5179 ~~information to the division:]~~

5180 ~~[(i) the name of the recommending physician;]~~

5181 ~~[(ii) the date of the recommendation;]~~

5182 ~~[(iii) the date the recommendation was filled by the cannabidiol-qualified pharmacy;]~~

5183 ~~[(iv) the name of the individual for whom the recommendation was written; and]~~

5184 ~~[(v) any other information the division requires by rule, made in accordance with Title~~  
5185 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

5186 (4) An individual whose records are in the database may obtain those records upon  
5187 submission of a written request to the division.

5188 (5) (a) A patient whose record is in the database may contact the division in writing to  
5189 request correction of any of the patient's database information that is incorrect. The patient  
5190 shall provide a postal address for the division's response.

5191 (b) The division shall grant or deny the request within 30 days from receipt of the  
5192 request and shall advise the requesting patient of its decision by mail postmarked within 35  
5193 days of receipt of the request.

5194 (c) If the division denies a request under this Subsection (5) or does not respond within  
5195 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days  
5196 after the postmark date of the patient's letter making a request for a correction under this  
5197 Subsection (5).

5198 (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
5199 Administrative Rulemaking Act, to establish submission requirements under this part,  
5200 including:

5201 (a) electronic format;

5202 (b) submission procedures; and

5203 (c) required information and data fields.



5204 (7) The division shall ensure that the database system records and maintains for  
5205 reference:

5206 (a) the identification of each individual who requests or receives information from the  
5207 database;

5208 (b) the information provided to each individual; and

5209 (c) the date and time that the information is requested or provided.

5210 Section 121. Section **58-67-304** is amended to read:

5211 **58-67-304. License renewal requirements.**

5212 (1) As a condition precedent for license renewal, each licensee shall, during each  
5213 two-year licensure cycle or other cycle defined by division rule:

5214 (a) complete qualified continuing professional education requirements in accordance  
5215 with the number of hours and standards defined by division rule made in collaboration with the  
5216 board;

5217 (b) appoint a contact person for access to medical records and an alternate contact  
5218 person for access to medical records in accordance with Subsection 58-67-302(1)(j);

5219 (c) if the licensee practices medicine in a location with no other persons licensed under  
5220 this chapter, provide some method of notice to the licensee's patients of the identity and  
5221 location of the contact person and alternate contact person for the licensee; and

5222 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,  
5223 successfully complete the educational methods and programs described in Subsection  
5224 58-67-807(4).

5225 (2) If a renewal period is extended or shortened under Section 58-67-303, the  
5226 continuing education hours required for license renewal under this section are increased or  
5227 decreased proportionally.

5228 (3) An application to renew a license under this chapter shall:

5229 (a) require a physician to answer the following question: "Do you perform elective  
5230 abortions in Utah in a location other than a hospital?"; and

5231 (b) immediately following the question, contain the following statement: "For purposes  
5232 of the immediately preceding question, elective abortion means an abortion other than one of  
5233 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is  
5234 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of

5235 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
 5236 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
 5237 the woman is pregnant as a result of rape or incest."

5238 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
 5239 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,  
 5240 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the  
 5241 division shall, within 30 days after the day on which it renews the physician's license under this  
 5242 chapter, inform the Department of Health in writing:

5243 (a) of the name and business address of the physician; and

5244 (b) that the physician responded positively to the question described in Subsection  
 5245 (3)(a).

5246 (5) The division shall accept and apply toward the hour requirement in Subsection  
 5247 (1)(a) and continuing education that a physician completes in accordance with Sections  
 5248 26-61a-107 and 26-61a-601.

5249 Section 122. Section **58-67-502** is amended to read:

5250 **58-67-502. Unprofessional conduct.**

5251 (1) "Unprofessional conduct" includes, in addition to the definition in Section  
 5252 58-1-501:

5253 (a) using or employing the services of any individual to assist a licensee in any manner  
 5254 not in accordance with the generally recognized practices, standards, or ethics of the  
 5255 profession, state law, or division rule;

5256 (b) making a material misrepresentation regarding the qualifications for licensure under  
 5257 Section 58-67-302.7 or Section 58-67-302.8; [or]

5258 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
 5259 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable[;]; or

5260 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5261 (2) "Unprofessional conduct" does not include[;]:

5262 (a) in compliance with Section 58-85-103:

5263 [~~(a)~~] (i) obtaining an investigational drug or investigational device;

5264 [~~(b)~~] (ii) administering the investigational drug to an eligible patient; or

5265 [~~(c)~~] (iii) treating an eligible patient with the investigational drug or investigational

5266 device[-]; or

5267 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5268 (i) when registered as a qualified medical provider, as that term is defined in Section  
5269 26-61a-102, recommending the use of medical cannabis;

5270 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
5271 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

5272 (iii) when registered as a state central fill medical provider, as that term is defined in  
5273 Section 26-61a-102, providing state central fill medical provider services in the state central fill  
5274 medical cannabis pharmacy.

5275 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
5276 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
5277 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5278 Section 123. Section **58-68-304** is amended to read:

5279 **58-68-304. License renewal requirements.**

5280 (1) As a condition precedent for license renewal, each licensee shall, during each  
5281 two-year licensure cycle or other cycle defined by division rule:

5282 (a) complete qualified continuing professional education requirements in accordance  
5283 with the number of hours and standards defined by division rule in collaboration with the  
5284 board;

5285 (b) appoint a contact person for access to medical records and an alternate contact  
5286 person for access to medical records in accordance with Subsection 58-68-302(1)(j);

5287 (c) if the licensee practices osteopathic medicine in a location with no other persons  
5288 licensed under this chapter, provide some method of notice to the licensee's patients of the  
5289 identity and location of the contact person and alternate contact person for access to medical  
5290 records for the licensee in accordance with Subsection 58-68-302(1)(k); and

5291 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,  
5292 successfully complete the educational methods and programs described in Subsection  
5293 58-68-807(4).

5294 (2) If a renewal period is extended or shortened under Section 58-68-303, the  
5295 continuing education hours required for license renewal under this section are increased or  
5296 decreased proportionally.

5297 (3) An application to renew a license under this chapter shall:

5298 (a) require a physician to answer the following question: "Do you perform elective  
5299 abortions in Utah in a location other than a hospital?"; and

5300 (b) immediately following the question, contain the following statement: "For purposes  
5301 of the immediately preceding question, elective abortion means an abortion other than one of  
5302 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is  
5303 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of  
5304 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
5305 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
5306 the woman is pregnant as a result of rape or incest."

5307 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
5308 to the licensing of an abortion clinic, if a physician responds positively to the question  
5309 described in Subsection (3)(a), the division shall, within 30 days after the day on which it  
5310 renews the physician's license under this chapter, inform the Department of Health in writing:

5311 (a) of the name and business address of the physician; and

5312 (b) that the physician responded positively to the question described in Subsection  
5313 (3)(a).

5314 (5) The division shall accept and apply toward the hour requirement in Subsection  
5315 (1)(a) and continuing education that a physician completes in accordance with Sections  
5316 26-61a-107 and 26-61a-601.

5317 Section 124. Section **58-68-502** is amended to read:

5318 **58-68-502. Unprofessional conduct.**

5319 (1) "Unprofessional conduct" includes, in addition to the definition in Section  
5320 58-1-501:

5321 (a) using or employing the services of any individual to assist a licensee in any manner  
5322 not in accordance with the generally recognized practices, standards, or ethics of the  
5323 profession, state law, or division rule;

5324 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
5325 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; [or]

5326 (c) making a material misrepresentation regarding the qualifications for licensure under  
5327 Section 58-68-302.5[-]; or

5328 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5329 (2) "Unprofessional conduct" does not include[-];

5330 (a) in compliance with Section 58-85-103:

5331 ~~[(a)]~~ (i) obtaining an investigational drug or investigational device;

5332 ~~[(b)]~~ (ii) administering the investigational drug to an eligible patient; or

5333 ~~[(c)]~~ (iii) treating an eligible patient with the investigational drug or investigational

5334 device[-]; or

5335 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5336 (i) when registered as a qualified medical provider, as that term is defined in Section

5337 26-61a-102, recommending the use of medical cannabis;

5338 (ii) when registered as a pharmacy medical provider, as that term is defined in Section

5339 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

5340 (iii) when registered as a state central fill medical provider, as that term is defined in

5341 Section 26-61a-102, providing state central fill medical provider services in the state central fill

5342 medical cannabis pharmacy.

5343 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and

5344 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define

5345 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5346 Section 125. Section **58-85-102** is amended to read:

5347 **58-85-102. Definitions.**

5348 As used in this chapter:

5349 ~~[(1) "Cannabis" means cannabis that has been grown by a state-approved grower and~~

5350 ~~processed into a medicinal dosage form.]~~

5351 ~~[(2) "Cannabis-based treatment" means a course of treatment involving cannabis.]~~

5352 ~~[(3)]~~ (1) "Eligible patient" means an individual who has been diagnosed with a

5353 terminal illness by a physician.

5354 ~~[(4) "Health care facility" means the same as that term is defined in Section~~

5355 ~~26-55-102.]~~

5356 ~~[(5)]~~ (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

5357 ~~[(6)]~~ (3) "Investigational device" means a device that:

5358 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

5359 (b) has successfully completed the United States Food and Drug Administration Phase  
5360 1 testing for an investigational device described in 21 C.F.R. Part 812.

5361 ~~[(7)]~~ (4) "Investigational drug" means a drug that:

5362 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

5363 (b) has successfully completed the United States Food and Drug Administration Phase  
5364 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

5365 ~~[(8)]~~ (5) "Medicinal dosage form" means the same as that term is defined in Section  
5366 58-37-3.6.

5367 ~~[(9)]~~ (6) "Physician" means an individual who is licensed under:

5368 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

5369 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

5370 ~~[(10)] "State-approved grower and processor" means a person who grows cannabis  
5371 pursuant to state law and processes the cannabis into a medicinal dosage form.]~~

5372 ~~[(11)]~~ (7) "Terminal illness" means a condition of a patient that:

5373 (a) as determined by a physician:

5374 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by  
5375 treatment with an investigational drug or investigational device; and

5376 (ii) will inevitably lead to the patient's death; and

5377 (b) presents the patient, after the patient has explored conventional therapy options,

5378 with no treatment option that is satisfactory or comparable to treatment with an investigational  
5379 drug or device.

5380 Section 126. Section **58-85-104** is amended to read:

5381 **58-85-104. Standard of care -- Medical practitioners not liable -- No private right**  
5382 **of action.**

5383 (1) ~~[(a)]~~ It is not a breach of the applicable standard of care for a physician, other  
5384 licensed health care provider, or hospital to treat an eligible patient with an investigational drug  
5385 or investigational device under this chapter.

5386 ~~[(b)] It is not a breach of the applicable standard of care for a physician to recommend a  
5387 cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility  
5388 to aid or assist in any way a terminally ill patient's use of cannabis.]~~

5389 (2) A physician, other licensed health care provider, or hospital that treats an eligible

5390 patient with an investigational drug or investigational device under this chapter~~[, or a physician~~  
5391 ~~who recommends a cannabis-based treatment to a terminally ill patient or a health care facility~~  
5392 ~~that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under~~  
5393 ~~this chapter,]~~ may not, for any harm done to the eligible patient by the investigational drug or  
5394 device, ~~[or for any harm done to the terminally ill patient by the cannabis-based treatment,]~~ be  
5395 subject to:

- 5396 (a) civil liability;
- 5397 (b) criminal liability; or
- 5398 (c) licensure sanctions under:
  - 5399 (i) for a physician:
    - 5400 (A) Title 58, Chapter 67, Utah Medical Practice Act; or
    - 5401 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
  - 5402 (ii) for the other licensed health care provider, the act governing the other licensed  
5403 health care provider's license; or
  - 5404 (iii) for the hospital ~~[or health care facility]~~, Title 26, Chapter 21, Health Care Facility  
5405 Licensing and Inspection Act.
- 5406 (3) This chapter does not:
  - 5407 (a) require a manufacturer of an investigational drug or investigational device to agree  
5408 to make an investigational drug or investigational device available to an eligible patient or an  
5409 eligible patient's physician;
  - 5410 (b) require a physician to agree to:
    - 5411 (i) administer an investigational drug to an eligible patient under this chapter; or
    - 5412 (ii) treat an eligible patient with an investigational device under this chapter; or
    - 5413 ~~[(iii) recommend a cannabis-based treatment to a terminally ill patient; or]~~
  - 5414 (c) create a private right of action for an eligible patient:
    - 5415 (i) against a physician or hospital, for the physician's or hospital's refusal to:
      - 5416 (A) administer an investigational drug to an eligible patient under this chapter; or
      - 5417 (B) treat an eligible patient with an investigational device under this chapter; or
      - 5418 ~~[(C) recommend a cannabis-based treatment to the terminally ill patient; or]~~
    - 5419 (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient  
5420 with an investigational drug or an investigational device under this chapter.

5421 Section 127. Section **58-85-105** is amended to read:

5422 **58-85-105. Insurance coverage.**

5423 (1) This chapter does not:

5424 (a) require an insurer to cover the cost of:

5425 (i) administering an investigational drug under this chapter; or

5426 (ii) treating a patient with an investigational device under this chapter; or

5427 [~~(iii) a cannabis-based treatment; or~~]

5428 (b) prohibit an insurer from covering the cost of:

5429 (i) administering an investigational drug under this chapter; or

5430 (ii) treating a patient with an investigational device under this chapter[~~; or~~].

5431 [~~(iii) a cannabis-based treatment.~~]

5432 (2) Except as described in Subsection (3), an insurer may deny coverage to an eligible  
5433 patient who is treated with an investigational drug or investigational device, for harm to the  
5434 eligible patient caused by the investigational drug or investigational device.

5435 (3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:

5436 (a) the eligible patient's preexisting condition;

5437 (b) benefits that commenced before the day on which the eligible patient is treated with  
5438 the investigational drug or investigational device; or

5439 (c) palliative or hospice care for an eligible patient that has been treated with an  
5440 investigational drug or device, but is no longer receiving curative treatment with the  
5441 investigational drug or device.

5442 Section 128. Section **59-12-104.10** is enacted to read:

5443 **59-12-104.10. Exemption from sales tax for cannabis.**

5444 (1) As used in this section:

5445 (a) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.

5446 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

5447 (c) "Medical cannabis device" means the same as that term is defined in Section  
5448 26-61a-102.

5449 (d) "Medical cannabis pharmacy" means the same as that term is defined in Section  
5450 26-61a-102.

5451 (e) "Medicinal dosage form" means the same as that term is defined in Section



5452 26-61a-102.

5453 (2) In addition to the exemptions described in Section 59-12-104, the sale by a licensed  
5454 medical cannabis pharmacy or the state central fill medical cannabis pharmacy of the following  
5455 is not subject to the taxes this chapter imposes:

5456 (a) cannabis in a medicinal dosage form; or

5457 (b) a cannabis product in a medicinal dosage form.

5458 (3) The sale of a medical cannabis device by a medical cannabis pharmacy or the state  
5459 central fill medical cannabis pharmacy is subject to the taxes this chapter imposes.

5460 Section 129. Section **62A-3-322** is enacted to read:

5461 **62A-3-322. Medical cannabis use by a vulnerable adult or guardian.**

5462 A peace officer or an employee or agent of the division may not solicit or provide, and a  
5463 court may not order, emergency services for a vulnerable adult based solely on:

5464 (1) the vulnerable adult's possession or use of cannabis in accordance with Title 26,  
5465 Chapter 61a, Utah Medical Cannabis Act; or

5466 (2) the guardian of the vulnerable adult assisting with the use of or possessing cannabis  
5467 in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

5468 Section 130. Section **62A-4a-202.1** is amended to read:

5469 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody**  
5470 **-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**  
5471 **emergency placement.**

5472 (1) A peace officer or child welfare worker may not:

5473 (a) enter the home of a child who is not under the jurisdiction of the court, remove a  
5474 child from the child's home or school, or take a child into protective custody unless authorized  
5475 under Subsection 78A-6-106(2); or

5476 (b) remove a child from the child's home or take a child into custody under this section  
5477 solely on the basis of:

5478 (i) educational neglect, truancy, or failure to comply with a court order to attend  
5479 school; or

5480 (ii) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical  
5481 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
5482 dosage form, or a medical cannabis device [in the home, if the use and possession of the

5483 ~~cannabis, cannabis product, or medical cannabis device is in compliance with Title 26, Chapter~~  
5484 ~~60b, Medical Cannabis Act], as those terms are defined in Section 26-61a-102.~~

5485 (2) A child welfare worker within the division may take action under Subsection [(10)]  
5486 (1) accompanied by a peace officer, or without a peace officer when a peace officer is not  
5487 reasonably available.

5488 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child  
5489 into protective custody, the child welfare worker shall also determine whether there are  
5490 services available that, if provided to a parent or guardian of the child, would eliminate the  
5491 need to remove the child from the custody of the child's parent or guardian.

5492 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be  
5493 utilized.

5494 (c) In determining whether the services described in Subsection (3)(a) are reasonably  
5495 available, and in making reasonable efforts to provide those services, the child's health, safety,  
5496 and welfare shall be the child welfare worker's paramount concern.

5497 (4) (a) A child removed or taken into custody under this section may not be placed or  
5498 kept in a secure detention facility pending court proceedings unless the child is detainable  
5499 based on guidelines promulgated by the Division of Juvenile Justice Services.

5500 (b) A child removed from the custody of the child's parent or guardian but who does  
5501 not require physical restriction shall be given temporary care in:

5502 (i) a shelter facility; or

5503 (ii) an emergency placement in accordance with Section 62A-4a-209.

5504 (c) When making a placement under Subsection (4)(b), the Division of Child and  
5505 Family Services shall give priority to a placement with a noncustodial parent, relative, or  
5506 friend, in accordance with Section 62A-4a-209.

5507 [(a)] (d) If the child is not placed with a noncustodial parent, a relative, or a designated  
5508 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor  
5509 explaining why a different placement was in the child's best interest.

5510 (5) When a child is removed from the child's home or school or taken into protective  
5511 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

5512 (a) the parent's rights under this part, including the right to be present and participate in  
5513 any court proceeding relating to the child's case;

5514 (b) that it may be in the parent's best interest to contact an attorney and that, if the  
5515 parent cannot afford an attorney, the court will appoint one;

5516 (c) the name and contact information of a division employee the parent may contact  
5517 with questions;

5518 (d) resources that are available to the parent, including:

5519 (i) mental health resources;

5520 (ii) substance abuse resources; and

5521 (iii) parenting classes; and

5522 (e) any other information considered relevant by the division.

5523 (6) The pamphlet or flier described in Subsection (5) shall be:

5524 (a) evaluated periodically for its effectiveness at conveying necessary information and  
5525 revised accordingly;

5526 (b) written in simple, easy-to-understand language; and

5527 (c) available in English and other languages as the division determines to be  
5528 appropriate and necessary.

5529 Section 131. Section **63I-1-226** is amended to read:

5530 **63I-1-226. Repeal dates, Title 26.**

5531 (1) Section 26-1-40 is repealed July 1, 2019.

5532 ~~[(1)]~~ (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed  
5533 July 1, 2025.

5534 ~~[(2)]~~ (3) Section 26-10-11 is repealed July 1, 2020.

5535 (4) Subsection 26-18-417(3) is repealed July 1, 2020.

5536 ~~[(3) Section 26-21-23, Licensing of non-Medicaid nursing facility beds, is repealed~~  
5537 ~~July 1, 2018.]~~

5538 ~~[(4)]~~ (5) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,  
5539 2024.

5540 ~~[(5)]~~ (6) Title 26, Chapter [36a] 36d, Hospital Provider Assessment Act, is repealed  
5541 July 1, [2016] 2019.

5542 (7) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

5543 (8) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
5544 July 1, 2024.

- 5545           ~~[(6) Section 26-38-2.5 is repealed July 1, 2017.]~~
- 5546           ~~[(7) Section 26-38-2.6 is repealed July 1, 2017.]~~
- 5547           ~~[(8)]~~ (9) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1,  
5548 2019.
- 5549           (10) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed  
5550 July 1, 2026.
- 5551           Section 132. Section **63I-1-258** is amended to read:
- 5552           **63I-1-258. Repeal dates, Title 58.**
- 5553           (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
5554 repealed July 1, 2026.
- 5555           (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 5556           (3) Title 58, Chapter ~~[20a]~~ 20b, Environmental Health Scientist Act, is repealed July 1,  
5557 ~~[2018]~~ 2028.
- 5558           (4) Section 58-37-4.3 is repealed January 1, 2020.
- 5559           (5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative  
5560 Research and General Counsel is authorized to renumber the remaining subsections  
5561 accordingly.
- 5562           ~~[(5)]~~ (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,  
5563 2023.
- 5564           ~~[(6)]~~ (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing  
5565 Act, is repealed July 1, 2019.
- 5566           ~~[(7)]~~ (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,  
5567 2025.
- 5568           ~~[(8)]~~ (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is  
5569 repealed July 1, 2023.
- 5570           ~~[(9)]~~ (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,  
5571 2024.
- 5572           ~~[(10)]~~ (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed  
5573 July 1, 2026.
- 5574           ~~[(11)]~~ (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.
- 5575           (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is

5576 repealed July 1, 2021.

5577 (14) The following sections are repealed on July 1, 2019:

5578 (a) Section 58-5a-502;

5579 (b) Section 58-31b-502.5;

5580 (c) Section 58-67-502.5;

5581 (d) Section 58-68-502.5; and

5582 (e) Section 58-69-502.5.

5583 Section 133. Section **67-19-33** is amended to read:

5584 **67-19-33. Controlled substances and alcohol use prohibited.**

5585 ~~[An]~~ Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an

5586 employee may not:

5587 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a  
5588 controlled substance or alcohol during work hours or on state property except where legally  
5589 permissible;

5590 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol  
5591 if the activity prevents:

5592 (a) state agencies from receiving federal grants or performing under federal contracts of  
5593 \$25,000 or more; or

5594 (b) the employee to perform his services or work for state government effectively as  
5595 regulated by the rules of the executive director in accordance with Section 67-19-34; or

5596 (3) refuse to submit to a drug or alcohol test under Section 67-19-36.

5597 Section 134. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

5598 **78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.**

5599 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
5600 evidence of abandonment that the parent or parents:

5601 (a) although having legal custody of the child, have surrendered physical custody of the  
5602 child, and for a period of six months following the surrender have not manifested to the child  
5603 or to the person having the physical custody of the child a firm intention to resume physical  
5604 custody or to make arrangements for the care of the child;

5605 (b) have failed to communicate with the child by mail, telephone, or otherwise for six  
5606 months;

5607 (c) failed to have shown the normal interest of a natural parent, without just cause; or  
5608 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

5609 (2) In determining whether a parent or parents are unfit or have neglected a child the  
5610 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

5611 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
5612 parent unable to care for the immediate and continuing physical or emotional needs of the child  
5613 for extended periods of time;

5614 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive  
5615 nature;

5616 (c) habitual or excessive use of intoxicating liquors, controlled substances, or  
5617 dangerous drugs that render the parent unable to care for the child;

5618 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
5619 shelter, education, or other care necessary for the child's physical, mental, and emotional health  
5620 and development by a parent or parents who are capable of providing that care;

5621 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
5622 sentence is of such length that the child will be deprived of a normal home for more than one  
5623 year;

5624 (f) a history of violent behavior; or

5625 (g) whether the parent has intentionally exposed the child to pornography or material  
5626 harmful to a minor, as defined in Section 76-10-1201.

5627 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent  
5628 [~~because of the~~] or otherwise consider a parent's lawful possession or consumption of cannabis  
5629 in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical  
5630 cannabis device, as those terms are defined in Section 26-61a-102, in accordance with Title 26,  
5631 Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

5632 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide  
5633 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

5634 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
5635 unfit because of a health care decision made for a child by the child's parent unless the state or  
5636 other party to the proceeding shows, by clear and convincing evidence, that the health care  
5637 decision is not reasonable and informed.

5638 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
5639 obtain a second health care opinion.

5640 (6) If a child has been placed in the custody of the division and the parent or parents  
5641 fail to comply substantially with the terms and conditions of a plan within six months after the  
5642 date on which the child was placed or the plan was commenced, whichever occurs later, that  
5643 failure to comply is evidence of failure of parental adjustment.

5644 (7) The following circumstances constitute prima facie evidence of unfitness:

5645 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
5646 child, due to known or substantiated abuse or neglect by the parent or parents;

5647 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
5648 indicate the unfitness of the parent to provide adequate care to the extent necessary for the  
5649 child's physical, mental, or emotional health and development;

5650 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement  
5651 of the child;

5652 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
5653 commit murder or manslaughter of a child or child abuse homicide; or

5654 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
5655 of the child, without legal justification.

5656 Section 135. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

5657 **78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

5658 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
5659 evidence of abandonment that the parent or parents:

5660 (a) although having legal custody of the child, have surrendered physical custody of the  
5661 child, and for a period of six months following the surrender have not manifested to the child  
5662 or to the person having the physical custody of the child a firm intention to resume physical  
5663 custody or to make arrangements for the care of the child;

5664 (b) have failed to communicate with the child by mail, telephone, or otherwise for six  
5665 months;

5666 (c) failed to have shown the normal interest of a natural parent, without just cause; or

5667 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

5668 (2) In determining whether a parent or parents are unfit or have neglected a child the

5669 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

5670 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
5671 parent unable to care for the immediate and continuing physical or emotional needs of the child  
5672 for extended periods of time;

5673 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive  
5674 nature;

5675 (c) habitual or excessive use of intoxicating liquors, controlled substances, or  
5676 dangerous drugs that render the parent unable to care for the child;

5677 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
5678 shelter, education, or other care necessary for the child's physical, mental, and emotional health  
5679 and development by a parent or parents who are capable of providing that care;

5680 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
5681 sentence is of such length that the child will be deprived of a normal home for more than one  
5682 year;

5683 (f) a history of violent behavior; or

5684 (g) whether the parent has intentionally exposed the child to pornography or material  
5685 harmful to a minor, as defined in Section 76-10-1201.

5686 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent  
5687 because of or otherwise consider the parent's lawful possession or consumption of cannabis in a  
5688 medicinal dosage form, a cannabis product, as those terms are defined in Section 26-61a-102 or  
5689 a medical cannabis device, in accordance with Title 26, Chapter ~~[60b]~~ 61a, Utah Medical  
5690 Cannabis Act.

5691 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide  
5692 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

5693 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
5694 unfit because of a health care decision made for a child by the child's parent unless the state or  
5695 other party to the proceeding shows, by clear and convincing evidence, that the health care  
5696 decision is not reasonable and informed.

5697 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
5698 obtain a second health care opinion.

5699 (6) If a child has been placed in the custody of the division and the parent or parents



5700 fail to comply substantially with the terms and conditions of a plan within six months after the  
5701 date on which the child was placed or the plan was commenced, whichever occurs later, that  
5702 failure to comply is evidence of failure of parental adjustment.

5703 (7) The following circumstances constitute prima facie evidence of unfitness:

5704 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
5705 child, due to known or substantiated abuse or neglect by the parent or parents;

5706 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
5707 indicate the unfitness of the parent to provide adequate care to the extent necessary for the  
5708 child's physical, mental, or emotional health and development;

5709 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement  
5710 of the child;

5711 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
5712 commit murder or manslaughter of a child or child abuse homicide; or

5713 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
5714 of the child, without legal justification.

5715 Section 136. **Repealer.**

5716 This bill repeals:

5717 Section **4-41-201, Title.**

5718 Section **4-41-202, Definitions.**

5719 Section **4-41-203, Department to cultivate cannabis.**

5720 Section **4-41-301, Department to establish a state dispensary.**

5721 Section **4-41-302, Labeling.**

5722 Section **4-41-303, Department to set prices.**

5723 Section **4-41-304, Department to make rules regarding purchasers, communication**

5724 **-- Report.**

5725 Section **4-41B-104, Preemption.**

5726 Section **4-43-101 (Effective 07/01/19), Title.**

5727 Section **4-43-102 (Effective 07/01/19), Definitions.**

5728 Section **4-43-201 (Effective 07/01/19), Cannabidiol processor -- Cannabidiol**  
5729 **laboratory -- License -- Renewal.**

- 5730 Section **4-43-202 (Effective 07/01/19), Renewal.**
- 5731 Section **4-43-203 (Effective 07/01/19), Bond required for license.**
- 5732 Section **4-43-301 (Effective 07/01/19), Cannabidiol processor and laboratory**
- 5733 **agents.**
- 5734 Section **4-43-401 (Effective 07/01/19), Cannabidiol processor or cannabidiol**
- 5735 **laboratory -- General operating requirements.**
- 5736 Section **4-43-402 (Effective 07/01/19), Cannabidiol processor or cannabidiol**
- 5737 **laboratory -- Inspection by department.**
- 5738 Section **4-43-501 (Effective 07/01/19), Cannabidiol processor -- Operating**
- 5739 **requirements.**
- 5740 Section **4-43-502 (Effective 07/01/19), Cannabidiol product.**
- 5741 Section **4-43-503 (Effective 07/01/19), Cannabidiol medicine -- Labeling and**
- 5742 **packaging.**
- 5743 Section **4-43-601 (Effective 07/01/19), Hemp and cannabidiol product testing.**
- 5744 Section **4-43-602 (Effective 07/01/19), Reporting -- Inspections.**
- 5745 Section **4-43-701 (Effective 07/01/19), Enforcement -- Fine -- Citation.**
- 5746 Section **4-43-702 (Effective 07/01/19), Report to the Legislature.**
- 5747 Section **4-43-703 (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product**
- 5748 **Restricted Account.**
- 5749 Section **4-43-801 (Effective 07/01/19), Cannabinoid Product Restricted Account --**
- 5750 **Creation.**
- 5751 Section **58-67-808 (Effective 07/01/19), Recommendation of cannabidiol products.**
- 5752 Section **58-68-808 (Effective 07/01/19), Recommendation of cannabidiol products.**
- 5753 Section **58-85-103.5, Right to request a recommendation for a cannabis-based**
- 5754 **treatment.**
- 5755 Section **58-88-101 (Effective 07/01/19), Title.**
- 5756 Section **58-88-102 (Effective 07/01/19), Definitions.**
- 5757 Section **58-88-103 (Effective 07/01/19), Cannabidiol-qualified pharmacy**
- 5758 **requirements.**
- 5759 Section **58-88-104 (Effective 07/01/19), Division to make rules -- Study.**
- 5760 Section **59-12-104.7 (Repealed 01/01/19), Reporting by purchaser of certain sales**

5761 **and use tax exempt purchases.**

5762 Section **59-12-104.9 (Effective 07/01/19), Exemption from sales tax for cannabinoid**  
5763 **products.**

5764 Section **59-29-101 (Effective 07/01/19), Title.**

5765 Section **59-29-102 (Effective 07/01/19), Definitions.**

5766 Section **59-29-103 (Effective 07/01/19), Imposition of tax -- Rate -- Administration.**

5767 Section **59-29-104 (Effective 07/01/19), Collection of tax.**

5768 Section **59-29-105 (Effective 07/01/19), Deposit of tax revenue.**

5769 Section **59-29-106 (Effective 07/01/19), Records.**

5770 Section **59-29-107 (Effective 07/01/19), Rulemaking authority.**

5771 Section **59-29-108 (Effective 07/01/19), Penalties and interest.**

5772 Section 137. **Effective date.**

5773 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members  
5774 elected to each house, this bill takes effect upon approval by the governor, or the day following  
5775 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's  
5776 signature, or in the case of a veto, the date of veto override.

5777 (2) The amendments to Sections 26-65-102 (Effective (07/01/19), 26-65-103 (Effective  
5778 07/01/19), 41-6a-517 (Effective 07/01/19), 58-37-3.6 (Effective 07/01/19), and 78A-6-508  
5779 (Effective 07/01/19) in this bill take effect on July 1, 2019.

5780 Section 138. **Revisor instructions.**

5781 The Legislature intends that the Office of Legislative Research and General Counsel, in  
5782 preparing the Utah Code database for publication:

5783 (1) in Sections 4-41a-105 and 26-61a-114 from "this bill" with the bill's designated  
5784 chapter number in the Laws of Utah; and

5785 (2) in Sections 4-41a-201, 4-41a-301, 4-41a-401, 26-61a-202, 26-61a-301, 26-61a-401,  
5786 26-61a-501, 26-61a-602, and 26-61a-606, from "the effective date of this bill" to the bill's  
5787 actual effective date.