

**MEDICAL CANNABIS GOVERNANCE REVISIONS**

2023 GENERAL SESSION

STATE OF UTAH

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

This bill enacts provisions regarding medical cannabis governance in the state.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ moves most oversight and regulation of medical cannabis pharmacies and couriers from the Department of Health and Human Services to the Department of Agriculture and Food;
- ▶ creates a Medical Cannabis Policy Advisory Board (board);
- ▶ outlines the duties of board;
- ▶ modifies the duties and membership of the medical cannabis governance working group (working group);
- ▶ extends a sunset date for the working group; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-41a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452

**4-41a-105**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

**4-41a-201**, as last amended by Laws of Utah 2022, Chapter 290

**4-41a-404**, as last amended by Laws of Utah 2020, Chapter 12

**4-41a-802**, as last amended by Laws of Utah 2022, Chapter 97

**10-9a-528**, as last amended by Laws of Utah 2021, Chapter 60

**17-27a-525**, as last amended by Laws of Utah 2021, Chapter 60

- 33           **26-61a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452  
34           **26-61a-103**, as last amended by Laws of Utah 2022, Chapters 290, 415  
35           **26-61a-105**, as last amended by Laws of Utah 2022, Chapter 452  
36           **26-61a-106**, as last amended by Laws of Utah 2022, Chapters 415, 452  
37           **26-61a-109**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5  
38           **26-61a-201**, as last amended by Laws of Utah 2022, Chapters 198, 290 and 452  
39           **26-61a-403**, as last amended by Laws of Utah 2022, Chapters 415, 452  
40           **26-61a-601**, as last amended by Laws of Utah 2021, Chapter 337  
41           **26-61a-602**, as last amended by Laws of Utah 2020, Chapter 354  
42           **26-61a-701**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1  
43           **26-61a-703**, as last amended by Laws of Utah 2022, Chapter 97  
44           **36-12-8.2**, as enacted by Laws of Utah 2022, Chapter 97  
45           **58-17b-302**, as last amended by Laws of Utah 2022, Chapter 353  
46           **58-17b-502**, as last amended by Laws of Utah 2022, Chapter 465  
47           **58-37-3.8**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5  
48           **63I-2-236**, as last amended by Laws of Utah 2022, Chapters 97, 141, 363, 437, and 458  
49           **78A-2-231**, as last amended by Laws of Utah 2022, Chapter 256  
50           **80-3-110**, as last amended by Laws of Utah 2022, Chapter 256  
51           **80-4-109**, as enacted by Laws of Utah 2021, Chapter 261

## 52 ENACTS:

- 53           **4-41a-110**, Utah Code Annotated 1953  
54           **4-41a-1201**, Utah Code Annotated 1953  
55           **26-61a-206**, Utah Code Annotated 1953  
56           **26-61a-801**, Utah Code Annotated 1953  
57           **26-61a-802**, Utah Code Annotated 1953  
58           **26-61a-803**, Utah Code Annotated 1953

## 59 RENUMBERS AND AMENDS:

- 60           **4-41a-108**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,  
61           Chapter 12)  
62           **4-41a-109**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter  
63           452)

- 64           **4-41a-801.1**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,  
65           Chapter 452)
- 66           **4-41a-1001**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,  
67           Chapter 290)
- 68           **4-41a-1002**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,  
69           First Special Session, Chapter 5)
- 70           **4-41a-1003**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,  
71           Chapters 290, 415)
- 72           **4-41a-1004**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,  
73           First Special Session, Chapter 5)
- 74           **4-41a-1005**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,  
75           Chapter 290)
- 76           **4-41a-1101**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,  
77           Chapters 290, 415)
- 78           **4-41a-1102**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,  
79           Chapter 290)
- 80           **4-41a-1103**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,  
81           Chapter 350)
- 82           **4-41a-1104**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,  
83           Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter  
84           290)
- 85           **4-41a-1105**, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,  
86           Chapter 12)
- 87           **4-41a-1106**, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,  
88           Chapters 290, 415)
- 89           **4-41a-1107**, (Renumbered from 26-61a-402, as renumbered and amended by Laws of  
90           Utah 2018, Third Special Session, Chapter 1)
- 91           **4-41a-1202**, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,  
92           Chapters 290, 452)
- 93           **4-41a-1203**, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,

94 Chapter 415)  
 95 **4-41a-1204**, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,  
 96 Chapters 290, 415)  
 97 **4-41a-1205**, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,  
 98 Chapter 452)  
 99 **26-61a-404**, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,  
 100 Chapter 415)

101 REPEALS:

102 **26-61a-108**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1  
 103 **26-61a-506**, as last amended by Laws of Utah 2022, Chapter 415



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

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

106 **CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS AND**  
 107 **PHARMACIES**

108 **4-41a-102. Definitions.**

109 As used in this chapter:

110 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may  
 111 be injurious to health, including:

- 112 (a) pesticides;
- 113 (b) heavy metals;
- 114 (c) solvents;
- 115 (d) microbial life;
- 116 (e) toxins; or
- 117 (f) foreign matter.

118 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
 119 Section 26-61a-801.

120 [~~2~~] (3) "Cannabis Research Review Board" means the Cannabis Research Review  
 121 Board created in Section 26-61-201.

122 [~~3~~] (4) "Cannabis" means the same as that term is defined in Section 26-61a-102.

123 [~~4~~] (5) "Cannabis concentrate" means:

125 (a) the product of any chemical or physical process applied to naturally occurring  
126 biomass that concentrates or isolates the cannabinoids contained in the biomass; and

127 (b) any amount of a natural, derivative, or synthetic cannabinoid in the synthetic  
128 cannabinoid's purified state.

129 ~~[(5)]~~ (6) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is  
130 not intended to be sold as a cannabis plant product.

131 ~~[(6)]~~ (7) "Cannabis cultivation facility" means a person that:

132 (a) possesses cannabis;

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

134 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis  
135 processing facility, or a medical cannabis research licensee.

136 ~~[(7)]~~ (8) "Cannabis cultivation facility agent" means an individual who:

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

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

139 ~~[(8)]~~ (9) "Cannabis derivative product" means a product made using cannabis  
140 concentrate.

141 ~~[(9)]~~ (10) "Cannabis plant product" means any portion of a cannabis plant intended to  
142 be sold in a form that is recognizable as a portion of a cannabis plant.

143 ~~[(10)]~~ (11) "Cannabis processing facility" means a person that:

144 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

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

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

148 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a  
149 medical cannabis research licensee.

150 ~~[(11)]~~ (12) "Cannabis processing facility agent" means an individual who:

151 (a) is an employee of a cannabis processing facility; and

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

153 ~~[(12)]~~ (13) "Cannabis product" means the same as that term is defined in Section  
154 26-61a-102.

155 ~~[(13)]~~ (14) "Cannabis production establishment" means a cannabis cultivation facility,

156 a cannabis processing facility, or an independent cannabis testing laboratory.

157 ~~[(14)]~~ (15) "Cannabis production establishment agent" means a cannabis cultivation  
158 facility agent, a cannabis processing facility agent, or an independent cannabis testing  
159 laboratory agent.

160 ~~[(15)]~~ (16) "Cannabis production establishment agent registration card" means a  
161 registration card that the department issues that:

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

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

165 ~~[(16)]~~ (17) "Community location" means a public or private elementary or secondary  
166 school, a church, a public library, a public playground, or a public park.

167 ~~[(17)]~~ (18) "Cultivation space" means, quantified in square feet, the horizontal area in  
168 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area  
169 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above  
170 other plants in multiple levels.

171 ~~[(18)]~~ (19) "Department" means the Department of Agriculture and Food.

172 ~~[(19)]~~ (20) "Derivative cannabinoid" means any cannabinoid that has been intentionally  
173 created using a process to convert a naturally occurring cannabinoid into another cannabinoid.

174 ~~[(20)]~~ (21) "Family member" means a parent, step-parent, spouse, child, sibling,  
175 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,  
176 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

177 (22) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy  
178 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis  
179 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the  
180 state central patient portal facilitates.

181 ~~[(21)]~~ (23) (a) "Independent cannabis testing laboratory" means a person that:

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

183 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to  
184 conduct a chemical or other analysis of the cannabis or cannabis product.

185 (b) "Independent cannabis testing laboratory" includes a laboratory that the department  
186 or a research university operates in accordance with Subsection 4-41a-201(14).

- 187           ~~[(22)]~~ (24) "Independent cannabis testing laboratory agent" means an individual who:
- 188           (a) is an employee of an independent cannabis testing laboratory; and
- 189           (b) holds a valid cannabis production establishment agent registration card.
- 190           ~~[(23)]~~ (25) "Industrial hemp waste" means:
- 191           (a) a cannabinoid concentrate; or
- 192           (b) industrial hemp biomass.
- 193           ~~[(24)]~~ (26) "Inventory control system" means a system described in Section 4-41a-103.
- 194           ~~[(25)]~~ (27) "Licensing board" or "board" means the Cannabis Production Establishment
- 195 Licensing Advisory Board created in Section 4-41a-201.1.
- 196           ~~[(26)]~~ (28) "Medical cannabis" means the same as that term is defined in Section
- 197 26-61a-102.~~[26-61a-801]~~
- 198           ~~[(27)]~~ (29) "Medical cannabis card" means the same as that term is defined in Section
- 199 26-61a-102.
- 200           (30) "Medical cannabis courier" means a courier that:
- 201           (a) the department licenses in accordance with Section 4-41a-1201; and
- 202           (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
- 203 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.
- 204           (31) "Medical cannabis courier agent" means an individual who:
- 205           (a) is an employee of a medical cannabis courier; and
- 206           (b) who holds a valid medical cannabis courier agent registration card.
- 207           ~~[(28)]~~ (32) "Medical cannabis pharmacy" means the same as that term is defined in
- 208 Section 26-61a-102.
- 209           ~~[(29)]~~ (33) "Medical cannabis pharmacy agent" means the same as that term is defined
- 210 in Section 26-61a-102.
- 211           ~~[(30)]~~ (34) "Medical cannabis research license" means a license that the department
- 212 issues to a research university for the purpose of obtaining and possessing medical cannabis for
- 213 academic research.
- 214           ~~[(31)]~~ (35) "Medical cannabis research licensee" means a research university that the
- 215 department licenses to obtain and possess medical cannabis for academic research, in
- 216 accordance with Section 4-41a-901.
- 217           (36) "Medical cannabis shipment" means a shipment of medical cannabis or a medical

218 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis  
219 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical  
220 cannabis order that the state central patient portal facilitates.

221 ~~(32)~~ (37) "Medical cannabis treatment" means the same as that term is defined in  
222 Section 26-61a-102.

223 ~~(33)~~ (38) "Medicinal dosage form" means the same as that term is defined in Section  
224 26-61a-102.

225 (39) "Pharmacy medical provider" means the same as that term is defined in Section  
226 26-61a-102.

227 ~~(34)~~ (40) "Qualified medical provider" means the same as that term is defined in  
228 Section 26-61a-102.

229 ~~(35)~~ (41) "Qualified Production Enterprise Fund" means the fund created in Section  
230 4-41a-104.

231 ~~(36)~~ (42) "Recommending medical provider" means the same as that term is defined  
232 in Section 26-61a-102.

233 ~~(37)~~ (43) "Research university" means the same as that term is defined in Section  
234 53B-7-702 and a private, nonprofit college or university in the state that:

235 (a) is accredited by the Northwest Commission on Colleges and Universities;

236 (b) grants doctoral degrees; and

237 (c) has a laboratory containing or a program researching a schedule I controlled  
238 substance described in Section 58-37-4.

239 ~~(38)~~ (44) "State electronic verification system" means the system described in Section  
240 26-61a-103.

241 ~~(39)~~ (45) "Synthetic cannabinoid" means any cannabinoid that:

242 (a) was chemically synthesized from starting materials other than a naturally occurring  
243 cannabinoid; and

244 (b) is not a derivative cannabinoid.

245 ~~(40)~~ (46) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in  
246 Section 4-41-102.

247 ~~(41)~~ (47) "THC analog" means the same as that term is defined in Section 4-41-102.

248 ~~(42)~~ (48) "Total composite tetrahydrocannabinol" means all detectable forms of



249 tetrahydrocannabinol.

250 [~~(43)~~] (49) "Total tetrahydrocannabinol" or "total THC" means the same as that term is  
251 defined in Section 4-41-102.

252 Section 2. Section **4-41a-105** is amended to read:

253 **4-41a-105. Agreement with a tribe.**

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

256 (2) (a) In accordance with this section, the governor may enter into an agreement with a  
257 tribe to allow for the operation of a cannabis production establishment or a medical cannabis  
258 pharmacy on tribal land located within the state.

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

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

262 (i) is in writing;

263 (ii) is signed by:

264 (A) the governor; and

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

267 (iii) states the effective date of the agreement;

268 (iv) provides that the governor shall renegotiate the agreement if the agreement is or  
269 becomes inconsistent with a state statute; and

270 (v) includes any accommodation that the tribe makes:

271 (A) to which the tribe agrees; and

272 (B) that is reasonably related to the agreement.

273 (d) Before executing an agreement under this Subsection (2), the governor shall consult  
274 with the department.

275 (e) At least 30 days before the execution of an agreement described in this Subsection  
276 (2), the governor or the governor's designee shall provide a copy of the agreement in the form  
277 in which the agreement will be executed to:

278 (i) the chairs of the Native American Legislative Liaison Committee; and

279 (ii) the Office of Legislative Research and General Counsel.

280 Section 3. Section **4-41a-108**, which is renumbered from Section 26-61a-603 is  
281 renumbered and amended to read:

282 ~~[26-61a-603]~~ **4-41a-108. Payment provider for electronic medical cannabis**  
283 **transactions.**

284 (1) A cannabis production establishment, a medical cannabis pharmacy, or a  
285 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall  
286 submit to the Division of Finance and the state treasurer information regarding the payment  
287 provider the prospective licensee will use to conduct financial transactions related to medical  
288 cannabis, including:

- 289 (a) the name and contact information of the payment provider;
- 290 (b) the nature of the relationship between the establishment, pharmacy, or prospective  
291 pharmacy and the payment provider; and
- 292 (c) for a prospective home delivery medical cannabis pharmacy, the processes the  
293 prospective licensee and the payment provider have in place to safely and reliably conduct  
294 financial transactions for medical cannabis shipments.

295 (2) The Division of Finance shall, in consultation with the state treasurer:

- 296 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
297 make rules to establish standards for identifying payment providers that demonstrate the  
298 functional and technical ability to safely conduct financial transactions related to medical  
299 cannabis, including medical cannabis shipments;
- 300 (b) review submissions the Division of Finance and the state treasurer receive under  
301 Subsection (1);
- 302 (c) approve a payment provider that meets the standards described in Subsection (2)(a);  
303 and
- 304 (d) establish a list of approved payment providers.

305 (3) Any licensed cannabis production establishment, licensed medical cannabis  
306 pharmacy, or medical cannabis courier may use a payment provider that the Division of  
307 Finance approves, in consultation with the state treasurer, to conduct transactions related to the  
308 establishment's, pharmacy's, or courier's respective medical cannabis business.

309 (4) If Congress passes legislation that allows a cannabis-related business to facilitate  
310 payments through or deposit funds in a financial institution, a cannabis production

311 establishment or a medical cannabis pharmacy may facilitate payments through or deposit  
312 funds in a financial institution in addition to or instead of a payment provider that the Division  
313 of Finance approves, in consultation with the state treasurer, under this section.

314 Section 4. Section **4-41a-109**, which is renumbered from Section 26-61a-116 is  
315 renumbered and amended to read:

316 **~~[26-61a-116]~~ 4-41a-109. Advertising.**

317 (1) Except as provided in this chapter, a person may not advertise regarding the  
318 recommendation, sale, dispensing, or transportation of medical cannabis.

319 (2) Notwithstanding any authorization to advertise regarding medical cannabis under  
320 this chapter, the person advertising may not advertise:

321 (a) using promotional discounts or incentives;

322 (b) a particular medical cannabis product, medical cannabis device, or medicinal  
323 dosage form; or

324 (c) an assurance regarding an outcome related to medical cannabis treatment.

325 (3) Notwithstanding Subsection (1):

326 (a) a nonprofit organization that offers financial assistance for medical cannabis  
327 treatment to low-income patients may advertise the organization's assistance if the  
328 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical  
329 cannabis product; and

330 (b) a medical cannabis pharmacy may provide information regarding subsidies for the  
331 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy  
332 information.

333 (4) To ensure that the name and logo of a licensee under this chapter have a medical  
334 rather than a recreational disposition, the name and logo of the licensee:

335 (a) may include terms and images associated with:

336 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"  
337 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"  
338 "relief," "treatment," and "patient;" or

339 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom;"; and

340 (b) may not include:

341 (i) any term, statement, design representation, picture, or illustration that is associated

342 with a recreational disposition or that appeals to children;

343 (ii) an emphasis on a psychoactive ingredient;

344 (iii) a specific cannabis strain; or

345 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"

346 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"

347 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"

348 "bong," "budtender," "dab," "blaze," "toke," or "420."

349 (5) The department shall define standards for advertising authorized under this chapter,

350 including names and logos in accordance with Subsection (4), to ensure a medical rather than

351 recreational disposition.

352 Section 5. Section **4-41a-110** is enacted to read:

353 **4-41a-110. Department coordination with the advisory board.**

354 The department shall:

355 (1) provide draft rules made under this chapter to the advisory board for the advisory

356 board's review;

357 (2) consult with the advisory board before issuing an additional:

358 (a) cultivation facility license under Section 4-41a-205; or

359 (b) pharmacy license under Section 4-41a-1005;

360 (3) consult with the advisory board regarding fees set by the department that pertain to

361 the medical cannabis program; and

362 (4) when appropriate, consult with the advisory board regarding issues that arise in the

363 medical cannabis program.

364 Section 6. Section **4-41a-201** is amended to read:

365 **4-41a-201. Cannabis production establishment -- License.**

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

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

368 (2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a

369 licensing process that the department initiates after March 17, 2021, the department, through

370 the licensing board, shall issue licenses in accordance with Section 4-41a-201.1.

371 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

372 department shall make rules to specify a transparent and efficient process to:

- 373 (A) solicit applications for a license under this section;
- 374 (B) allow for comments and questions in the development of applications;
- 375 (C) timely and objectively evaluate applications;
- 376 (D) hold public hearings that the department deems appropriate; and
- 377 (E) select applicants to receive a license.
- 378 (iii) The department may not issue a license to operate a cannabis production
- 379 establishment to an applicant who is not eligible for a license under this section.
- 380 (b) An applicant is eligible for a license under this section if the applicant submits to
- 381 the licensing board:
- 382 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
- 383 cultivation facility, addresses of no more than two facility locations, located in a zone described
- 384 in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production
- 385 establishment;
- 386 (ii) the name and address of any individual who has:
- 387 (A) for a publicly traded company, a financial or voting interest of 2% or greater in the
- 388 proposed cannabis production establishment;
- 389 (B) for a privately held company, a financial or voting interest in the proposed cannabis
- 390 production establishment; or
- 391 (C) the power to direct or cause the management or control of a proposed cannabis
- 392 production establishment;
- 393 (iii) an operating plan that:
- 394 (A) complies with Section 4-41a-204;
- 395 (B) includes operating procedures that comply with this chapter and any law the
- 396 municipality or county in which the person is located adopts that is consistent with Section
- 397 4-41a-406; and
- 398 (C) the department or licensing board approves;
- 399 (iv) a statement that the applicant will obtain and maintain a performance bond that a
- 400 surety authorized to transact surety business in the state issues in an amount of at least:
- 401 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies; or
- 402 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
- 403 laboratory for which the applicant applies;

404 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
405 department sets in accordance with Section 63J-1-504; and

406 (vi) a description of any investigation or adverse action taken by any licensing  
407 jurisdiction, government agency, law enforcement agency, or court in any state for any  
408 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations  
409 or businesses.

410 (c) (i) A person may not locate a cannabis production establishment:

411 (A) within 1,000 feet of a community location; or

412 (B) in or within 600 feet of a district that the relevant municipality or county has zoned  
413 as primarily residential.

414 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
415 from the nearest entrance to the cannabis production establishment by following the shortest  
416 route of ordinary pedestrian travel to the property boundary of the community location or  
417 residential area.

418 (iii) The licensing board may grant a waiver to reduce the proximity requirements in  
419 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not reasonably  
420 feasible for the applicant to site the proposed cannabis production establishment without the  
421 waiver.

422 (iv) An applicant for a license under this section shall provide evidence of compliance  
423 with the proximity requirements described in Subsection (2)(c)(i).

424 (3) If the licensing board approves an application for a license under this section and  
425 Section 4-41a-201.1:

426 (a) the applicant shall pay the department:

427 (i) an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the  
428 department sets in accordance with Section 63J-1-504; or

429 (ii) a fee for a 120-day limited license to operate as a cannabis processing facility  
430 described in Subsection (3)(b) that is equal to 33% of the initial license fee described in  
431 Subsection (3)(a)(i); and

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

434 (4) (a) Except as provided in Subsection (4)(b), a cannabis production establishment

435 shall obtain a separate license for each type of cannabis production establishment and each  
436 location of a cannabis production establishment.

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

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

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

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

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

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

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

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

456 (i) a felony; or

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

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

459 (c) after September 23, 2019<sub>2</sub> until January 1, 2023, is actively serving as a legislator.

460 (8) (a) If an applicant for a cannabis production establishment license under this  
461 section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing  
462 board may not give preference to the applicant based on the applicant's status as a holder of the  
463 license.

464 (b) If an applicant for a license to operate a cannabis cultivation facility under this  
465 section holds a license to operate a medical cannabis pharmacy under [~~Title 26, Chapter 61a,~~

466 ~~Utah Medical Cannabis Act]~~ this title, the licensing board[:]  
467       ~~[(i) shall consult with the Department of Health regarding the applicant; and]~~  
468       ~~[(ii)]~~ may give consideration to the applicant based on the applicant's status as a holder  
469 of a medical cannabis pharmacy license if:  
470       ~~[(A)]~~ (i) the applicant demonstrates that a decrease in costs to patients is more likely to  
471 result from the applicant's vertical integration than from a more competitive marketplace; and  
472       ~~[(B)]~~ (ii) the licensing board finds multiple other factors, in addition to the existing  
473 license, that support granting the new license.  
474       (9) The licensing board may revoke a license under this part:  
475       (a) if the cannabis production establishment does not begin cannabis production  
476 operations within one year after the day on which the licensing board issues the initial license;  
477       (b) after the third of the same violation of this chapter in any of the licensee's licensed  
478 cannabis production establishments or medical cannabis pharmacies;  
479       (c) if any individual described in Subsection (2)(b) is convicted, while the license is  
480 active, under state or federal law of:  
481       (i) a felony; or  
482       (ii) after December 3, 2018, a misdemeanor for drug distribution;  
483       (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
484 the time of application, or fails to supplement the information described in Subsection  
485 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the  
486 application within 14 calendar days after the licensee receives notice of the investigation or  
487 adverse action;  
488       (e) if the cannabis production establishment demonstrates a willful or reckless  
489 disregard for the requirements of this chapter or the rules the department makes in accordance  
490 with this chapter;  
491       (f) if, after a change of ownership described in Subsection (15)(b), the board  
492 determines that the cannabis production establishment no longer meets the minimum standards  
493 for licensure and operation of the cannabis production establishment described in this chapter;  
494 or  
495       (g) for an independent cannabis testing laboratory, if the independent cannabis testing  
496 laboratory fails to substantially meet the performance standards described in Subsection



497 (14)(b).

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

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

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

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

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

512 (b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a  
513 license to an applicant is not subject to:

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

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

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

517 (i) may not issue more than four licenses to operate an independent cannabis testing  
518 laboratory;

519 (ii) may operate or partner with a research university to operate an independent  
520 cannabis testing laboratory;

521 (iii) if the department operates or partners with a research university to operate an  
522 independent cannabis testing laboratory, may not cease operating or partnering with a research  
523 university to operate the independent cannabis testing laboratory unless:

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

526 (B) the department has ensured that the licensed independent cannabis testing  
527 laboratories have sufficient capacity to provide the testing necessary to support the state's

528 medical cannabis market; and

529 (iv) after ceasing department or research university operations under Subsection  
530 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

531 (A) fewer than two licensed independent cannabis testing laboratories are operating; or

532 (B) the licensed independent cannabis testing laboratories become, in the department's  
533 determination, unable to fully meet the market demand for testing.

534 (b) (i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
535 Administrative Rulemaking Act, to establish performance standards for the operation of an  
536 independent cannabis testing laboratory, including deadlines for testing completion.

537 (ii) A license that the department issues to an independent cannabis testing laboratory  
538 is contingent upon substantial satisfaction of the performance standards described in  
539 Subsection (14)(b)(i), as determined by the board.

540 (15) (a) A cannabis production establishment license is not transferrable or assignable.

541 (b) If the ownership of a cannabis production establishment changes by 50% or more:

542 (i) the cannabis production establishment shall submit a new application described in  
543 Subsection (2)(b), subject to Subsection (2)(c);

544 (ii) within 30 days of the submission of the application, the board shall:

545 (A) conduct the application review described in Section 4-41a-201.1; and

546 (B) award a license to the cannabis production establishment for the remainder of the  
547 term of the cannabis production establishment's license before the ownership change if the  
548 cannabis production establishment meets the minimum standards for licensure and operation of  
549 the cannabis production establishment described in this chapter; and

550 (iii) if the board approves the license application, notwithstanding Subsection (3), the  
551 cannabis production establishment shall pay a license fee that the department sets in  
552 accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the  
553 application review.

554 Section 7. Section ~~4-41a-404~~ is amended to read:

555 **4-41a-404. Medical cannabis transportation.**

556 (1) (a) [~~Only~~] Except as provided in Part 12, Medical Cannabis Home Delivery and  
557 Couriers, the following individuals may transport cannabis or a cannabis product under this

558 chapter:

559 (i) a registered cannabis production establishment agent; [or]  
560 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment  
561 that the cardholder is authorized to possess under this chapter[-];

562 (iii) a registered medical cannabis pharmacy agent;

563 (iv) a registered medical cannabis courier agent; and

564 (v) a registered pharmacy medical provider.

565 (b) Only an agent of a cannabis cultivation facility, when the agent is transporting  
566 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,  
567 may transport unprocessed cannabis outside of a medicinal dosage form.

568 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter  
569 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment, an  
570 individual transporting cannabis or a cannabis product shall possess a transportation manifest  
571 that:

572 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant  
573 inventory control system;

574 (b) includes origin and destination information for any cannabis or cannabis product  
575 that the individual is transporting; and

576 (c) identifies the departure and arrival times and locations of the individual  
577 transporting the cannabis or cannabis product.

578 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
579 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
580 Act, requirements for transporting cannabis or cannabis product to ensure that the cannabis or  
581 cannabis product remains safe for human consumption.

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

583 (i) between a cannabis production establishment and another cannabis production  
584 establishment; and

585 (ii) between a cannabis processing facility and a medical cannabis pharmacy.

586 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a  
587 transport described in this section with a manifest that does not meet the requirements of this  
588 section.

589 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

590 (i) guilty of an infraction; and

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

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

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

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

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

600 (5) Nothing in this section prevents the department from taking administrative  
601 enforcement action against a cannabis production establishment, medical cannabis pharmacy,  
602 medical cannabis courier, or another person for failing to make a transport in compliance with  
603 the requirements of this section.

604 (6) An individual other than an individual described in Subsection (1) may transport a  
605 medical cannabis device within the state if the transport does not also contain medical  
606 cannabis.

607 Section 8. Section ~~4-41a-801.1~~, which is renumbered from Section 26-61a-702 is  
608 renumbered and amended to read:

609 ~~[26-61a-702]~~ **4-41a-801.1. Enforcement for medical cannabis pharmacies and**  
610 **couriers -- Fine -- Citation.**

611 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis  
612 courier's violation of this chapter or an applicable administrative rule:

613 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;

614 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier  
615 license; or

616 (iii) assess the medical cannabis pharmacy or medical cannabis courier an  
617 administrative penalty.

618 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis  
619 courier agent's violation of this chapter:

620 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent

621 registration card;

622 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier  
623 agent registration card; or

624 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an  
625 administrative penalty.

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

628 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding  
629 of a violation in an adjudicative proceeding under this section, the department may:

630 (a) for a fine amount not already specified in law, assess the person a fine of up to  
631 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule  
632 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

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

634 (4) The department may not revoke a medical cannabis pharmacy's license or a medical  
635 cannabis courier's license without first directing the medical cannabis pharmacy or the medical  
636 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,  
637 Chapter 4, Administrative Procedures Act.

638 (5) If, within 20 calendar days after the day on which the department issues a citation  
639 for a violation of this chapter, the person that is the subject of the citation fails to request a  
640 hearing to contest the citation, the citation becomes the department's final order.

641 (6) The department may, for a person who fails to comply with a citation under this  
642 section:

643 (a) refuse to issue or renew the person's license or agent registration card; or

644 (b) suspend, revoke, or place on probation the person's license or agent registration  
645 card.

646 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of  
647 this chapter, if an individual violates a provision of this chapter, the individual is:

648 (i) guilty of an infraction; and

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

650 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not  
651 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

652 underlying the violation described in Subsection (7)(a).

653 Section 9. Section **4-41a-802** is amended to read:

654 **4-41a-802. Report.**

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

657 (a) the number of applications and renewal applications that the department receives  
658 under this chapter;

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

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

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

663 (e) the number of licenses the department revokes under this chapter;

664 (f) the department's operation of an independent cannabis testing laboratory under  
665 Section 4-41a-201, including:

666 (i) the cannabis and cannabis products the department tested; and

667 (ii) the results of the tests the department performed; and

668 (g) the expenses incurred and revenues generated under this chapter.

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

671 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the  
672 working group described in Section 36-12-8.2 as requested by the working group.

673 Section 10. Section **4-41a-1001**, which is renumbered from Section 26-61a-301 is  
674 renumbered and amended to read:

675 **Part 10. Medical Cannabis Pharmacy License**

676 [~~26-61a-301~~] **4-41a-1001. Medical cannabis pharmacy -- License -- Eligibility.**

677 (1) A person may not operate as a medical cannabis pharmacy without a license that  
678 the department issues under this part.

679 (2) (a) (i) Subject to Subsections (4) and (5) and to Section [~~26-61a-305~~] 4-41a-1005,  
680 the department shall issue a license to operate a medical cannabis pharmacy in accordance with  
681 Title 63G, Chapter 6a, Utah Procurement Code.

682 (ii) The department may not issue a license to operate a medical cannabis pharmacy to

683 an applicant who is not eligible for a license under this section.

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

686 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will  
687 operate the medical cannabis pharmacy;

688 (ii) the name and address of an individual who:

689 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in  
690 the proposed medical cannabis pharmacy;

691 (B) for a privately held company, a financial or voting interest in the proposed medical  
692 cannabis pharmacy; or

693 (C) has the power to direct or cause the management or control of a proposed medical  
694 cannabis pharmacy;

695 (iii) a statement that the applicant will obtain and maintain a performance bond that a  
696 surety authorized to transact surety business in the state issues in an amount of at least  
697 \$100,000 for each application that the applicant submits to the department;

698 (iv) an operating plan that:

699 (A) complies with Section [~~26-61a-304~~] 4-41a-1004;

700 (B) includes operating procedures to comply with the operating requirements for a  
701 medical cannabis pharmacy described in this chapter and with a relevant municipal or county  
702 law that is consistent with Section [~~26-61a-507~~] 4-41a-1106; and

703 (C) the department approves;

704 (v) an application fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]  
705 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

706 (vi) a description of any investigation or adverse action taken by any licensing  
707 jurisdiction, government agency, law enforcement agency, or court in any state for any  
708 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations  
709 or businesses.

710 (c) (i) A person may not locate a medical cannabis pharmacy:

711 (A) within 200 feet of a community location; or

712 (B) in or within 600 feet of a district that the relevant municipality or county has zoned  
713 as primarily residential.

714 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
715 from the nearest entrance to the medical cannabis pharmacy establishment by following the  
716 shortest route of ordinary pedestrian travel to the property boundary of the community location  
717 or residential area.

718 (iii) The department may grant a waiver to reduce the proximity requirements in  
719 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible  
720 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

721 (iv) An applicant for a license under this section shall provide evidence of compliance  
722 with the proximity requirements described in Subsection (2)(c)(i).

723 (d) The department may not issue a license to an eligible applicant that the department  
724 has selected to receive a license until the selected eligible applicant obtains the performance  
725 bond described in Subsection (2)(b)(iii).

726 (e) If the department receives more than one application for a medical cannabis  
727 pharmacy within the same city or town, the department shall consult with the local land use  
728 authority before approving any of the applications pertaining to that city or town.

729 (3) If the department selects an applicant for a medical cannabis pharmacy license  
730 under this section, the department shall:

731 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
732 [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

733 (b) notify the Department of Public Safety of the license approval and the names of  
734 each individual described in Subsection (2)(b)(ii); and

735 (c) charge the licensee a fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]  
736 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in  
737 location, ownership, or company structure.

738 (4) The department may not issue a license to operate a medical cannabis pharmacy to  
739 an applicant if an individual described in Subsection (2)(b)(ii):

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

741 (i) a felony; or

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

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

744 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.



745 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds  
746 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give  
747 preference to the applicant based on the applicant's status as a holder of the license.

748 (b) If an applicant for a medical cannabis pharmacy license under this section holds a  
749 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis  
750 Production Establishments, the department:

751 (i) shall consult with the Department of Agriculture and Food regarding the applicant;  
752 and

753 (ii) may give consideration to the applicant based on the applicant's status as a holder  
754 of a license to operate a cannabis cultivation facility if:

755 (A) the applicant demonstrates that a decrease in costs to patients is more likely to  
756 result from the applicant's vertical integration than from a more competitive marketplace; and

757 (B) the department finds multiple other factors, in addition to the existing license, that  
758 support granting the new license.

759 (6) (a) The department may revoke a license under this part:

760 (i) if the medical cannabis pharmacy does not begin operations within one year after  
761 the day on which the department issues an announcement of the department's intent to award a  
762 license to the medical cannabis pharmacy;

763 (ii) after the third the same violation of this chapter in any of the licensee's licensed  
764 cannabis production establishments or medical cannabis pharmacies;

765 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is  
766 active, under state or federal law of:

767 (A) a felony; or

768 (B) after December 3, 2018, a misdemeanor for drug distribution;

769 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
770 the time of application, or fails to supplement the information described in Subsection  
771 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the  
772 application within 14 calendar days after the licensee receives notice of the investigation or  
773 adverse action;

774 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for  
775 the requirements of this chapter or the rules the department makes in accordance with this

776 chapter; or

777 (vi) if, after a change of ownership described in Subsection (11)(c), the department  
778 determines that the medical cannabis pharmacy no longer meets the minimum standards for  
779 licensure and operation of the medical cannabis pharmacy described in this chapter.

780 (b) The department shall rescind a notice of an intent to issue a license under this part  
781 to an applicant or revoke a license issued under this part if the associated medical cannabis  
782 pharmacy does not begin operation on or before June 1, 2021.

783 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,  
784 if the municipality or county where the licensed medical cannabis pharmacy will be located  
785 requires a local land use permit, shall submit to the department a copy of the licensee's  
786 approved application for the land use permit within 120 days after the day on which the  
787 department issues the license.

788 (b) If a licensee fails to submit to the department a copy the licensee's approved land  
789 use permit application in accordance with Subsection (7)(a), the department may revoke the  
790 licensee's license.

791 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
792 Qualified [~~Patient~~] Production Enterprise Fund.

793 (9) The department shall begin accepting applications under this part on or before  
794 March 1, 2020.

795 (10) (a) The department's authority to issue a license under this section is plenary and is  
796 not subject to review.

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

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

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

801 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

802 (b) A medical cannabis pharmacy shall report in writing to the department no later than  
803 10 business days before the date of any change of ownership of the medical cannabis  
804 pharmacy.

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

806 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis

807 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection  
808 (2)(c);

809 (ii) within 30 days of the submission of the application, the department shall:

810 (A) conduct an application review; and

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

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

819 Section 11. Section **4-41a-1002**, which is renumbered from Section 26-61a-302 is  
820 renumbered and amended to read:

821 ~~[26-61a-302]~~ **4-41a-1002. Medical cannabis pharmacy owners and directors --**  
822 **Criminal background checks.**

823 (1) Each applicant to whom the department issues a notice of intent to award a license  
824 to operate as a medical cannabis pharmacy shall submit, before the department may award the  
825 license, from each individual who has a financial or voting interest of 2% or greater in the  
826 applicant or who has the power to direct or cause the management or control of the applicant:

827 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

828 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
829 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

830 Generation Identification System's Rap Back Service; and

831 (c) consent to a fingerprint background check by:

832 (i) the Bureau of Criminal Identification; and

833 (ii) the Federal Bureau of Investigation.

834 (2) The Bureau of Criminal Identification shall:

835 (a) check the fingerprints the applicant submits under Subsection (1) against the  
836 applicable state, regional, and national criminal records databases, including the Federal  
837 Bureau of Investigation Next Generation Identification System;

- 838 (b) report the results of the background check to the department;
- 839 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
- 840 for search by future submissions to the local and regional criminal records databases, including
- 841 latent prints;
- 842 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 843 Generation Identification System's Rap Back Service for search by future submissions to
- 844 national criminal records databases, including the Next Generation Identification System and
- 845 latent prints; and
- 846 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 847 receives notifications for an individual with whom the department maintains an authorizing
- 848 relationship.
- 849 (3) The department shall:
- 850 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
- 851 amount that the department sets in accordance with Section 63J-1-504 for the services that the
- 852 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 853 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
- 854 Identification.

855 Section 12. Section ~~4-41a-1003~~, which is renumbered from Section 26-61a-303 is

856 renumbered and amended to read:

857 ~~[26-61a-303]~~ 4-41a-1003. **Renewal.**

858 (1) The department shall renew a license under this part every year if, at the time of

859 renewal:

- 860 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ 4-41a-1001;
- 861 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 862 Subsection ~~[26-61a-109(5)]~~ 4-41a-1004(5), the department sets in accordance with Section
- 863 63J-1-504; and
- 864 (c) if the medical cannabis pharmacy changes the operating plan described in Section
- 865 ~~[26-61a-304]~~ 4-41a-1004 that the department approved under Subsection
- 866 ~~[26-61a-301(2)(b)(iv)]~~ 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

867 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis

868 pharmacy's license, the department shall publish notice of an available license:

869 (i) in a newspaper of general circulation for the geographic area in which the medical  
870 cannabis pharmacy license is available; or

871 (ii) on the Utah Public Notice Website established in Section 63A-16-601.

872 (b) The department may establish criteria, in collaboration with the Division of  
873 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter  
874 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that  
875 constitute abandonment of a medical cannabis pharmacy license.

876 (3) If the department has not completed the necessary processes to make a  
877 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a  
878 license, the department may issue a conditional medical cannabis pharmacy license to a  
879 licensed medical cannabis pharmacy that has applied for license renewal under this section and  
880 paid the fee described in Subsection (1)(b).

881 Section 13. Section ~~4-41a-1004~~, which is renumbered from Section 26-61a-304 is  
882 renumbered and amended to read:

883 ~~[26-61a-304]~~ **4-41a-1004. Operating plan.**

884 A person applying for a medical cannabis pharmacy license shall submit to the  
885 department a proposed operation plan for the medical cannabis pharmacy [~~that complies with~~  
886 ~~this section and~~] that includes:

887 (1) a description of the physical characteristics of the proposed facility, including a  
888 floor plan and an architectural elevation;

889 (2) a description of the credentials and experience of:

890 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

891 (b) any highly skilled or experienced prospective employee;

892 (3) the medical cannabis pharmacy's employee training standards;

893 (4) a security plan;

894 (5) a description of the medical cannabis pharmacy's inventory control system,  
895 including a plan to make the inventory control system compatible with the state electronic  
896 verification system;

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

899 (7) a description of the proposed medical cannabis pharmacy's strategic plan for

900 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

901 (a) the supply of medical cannabis and medical cannabis products, in consultation with  
902 the [~~Department of Agriculture and Food~~] department; and

903 (b) the quantity and condition of the population of medical cannabis cardholders, in  
904 consultation with the [~~department~~] Department of Health and Human Services.

905 Section 14. Section ~~4-41a-1005~~, which is renumbered from Section 26-61a-305 is  
906 renumbered and amended to read:

907 ~~[26-61a-305]~~ **4-41a-1005. Maximum number of licenses .**

908 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of  
909 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in  
910 accordance with this section.

911 (b) If an insufficient number of qualified applicants apply for the available number of  
912 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy  
913 license to each qualified applicant.

914 (c) The department may issue the licenses described in Subsection (1)(a) in accordance  
915 with this Subsection (1)(c).

916 (i) Using one procurement process, the department may issue eight licenses to an initial  
917 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis  
918 pharmacies.

919 (ii) If the department issues licenses in two phases in accordance with Subsection  
920 (1)(c)(i), the department shall:

921 (A) divide the state into no less than four geographic regions;

922 (B) issue at least one license in each geographic region during each phase of issuing  
923 licenses; and

924 (C) complete the process of issuing medical cannabis pharmacy licenses no later than  
925 July 1, 2020.

926 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the  
927 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,  
928 Carbon, Sevier, Emery, Grand, or San Juan County.

929 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in  
930 addition to the licenses described in Subsection (1)(a) if the department determines, in

931 consultation with the Department of [~~Agriculture and Food~~] Health and Human Services and  
932 after an annual or more frequent analysis of the current and anticipated market for medical  
933 cannabis, that each additional license is necessary to provide an adequate supply, quality, or  
934 variety of medical cannabis to medical cannabis cardholders.

935 (ii) The department shall:

936 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
937 make rules to establish criteria and processes for the consultation, analysis, and application for  
938 a license described in Subsection (1)(d)(i); and

939 (B) report to the Executive Appropriations Committee of the Legislature before each  
940 time the department issues an additional license under Subsection (1)(d)(i) regarding the results  
941 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the  
942 criteria described in Subsection (1)(d)(ii)(A).

943 (2) (a) If there are more qualified applicants than there are available licenses for  
944 medical cannabis pharmacies, the department shall:

945 (i) evaluate each applicant and award the license to the applicant that best  
946 demonstrates:

947 (A) experience with establishing and successfully operating a business that involves  
948 complying with a regulatory environment, tracking inventory, and training, evaluating, and  
949 monitoring employees;

950 (B) an operating plan that will best ensure the safety and security of patrons and the  
951 community;

952 (C) positive connections to the local community;

953 (D) the suitability of the proposed location and the location's accessibility for  
954 qualifying patients;

955 (E) the extent to which the applicant can increase efficiency and reduce the cost of  
956 medical cannabis for patients; and

957 (F) a strategic plan described in Subsection [~~26-61a-304(7)~~] 4-41a-1004(7) that has a  
958 comparatively high likelihood of success; and

959 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably  
960 maximize access to the largest number of medical cannabis cardholders.

961 (b) In making the evaluation described in Subsection (2)(a), the department may give

962 increased consideration to applicants who indicate a willingness to:

963 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic  
964 medical cannabis orders that the state central patient portal facilitates; and

965 (ii) accept payments through:

966 (A) a payment provider that the Division of Finance approves, in consultation with the  
967 state treasurer, in accordance with Section ~~[26-61a-603]~~ 4-41a-108; or

968 (B) a financial institution in accordance with Subsection ~~[26-61a-603(4)]~~  
969 4-41a-108(4).

970 (3) The department may conduct a face-to-face interview with an applicant for a  
971 license that the department evaluates under Subsection (2). ~~[(4)(a) The department may  
972 designate a medical cannabis pharmacy as a home delivery medical cannabis pharmacy if the  
973 department determines that the medical cannabis pharmacy's operating plan demonstrates the  
974 functional and technical ability to:]~~

975 ~~[(i) safely conduct transactions for medical cannabis shipments;]~~

976 ~~[(ii) accept electronic medical cannabis orders that the state central patient portal  
977 facilitates; and]~~

978 ~~[(iii) accept payments through:]~~

979 ~~[(A) a payment provider that the Division of Finance approves, in consultation with the  
980 state treasurer, in accordance with Section 26-61a-603; or]~~

981 ~~[(B) a financial institution in accordance with Subsection 26-61a-603(4).]~~

982 ~~[(b) An applicant seeking a designation as a home delivery medical cannabis pharmacy  
983 shall identify in the applicant's operating plan any information relevant to the department's  
984 evaluation described in Subsection (4)(a), including:]~~

985 ~~[(i) the name and contact information of the payment provider;]~~

986 ~~[(ii) the nature of the relationship between the prospective licensee and the payment  
987 provider;]~~

988 ~~[(iii) the processes of the following to safely and reliably conduct transactions for  
989 medical cannabis shipments:]~~

990 ~~[(A) the prospective licensee; and]~~

991 ~~[(B) the electronic payment provider or the financial institution described in Subsection  
992 (4)(a)(iii); and]~~



993 ~~[(iv) the ability of the licensee to comply with the department's rules regarding the~~  
994 ~~secure transportation and delivery of medical cannabis or medical cannabis product to a~~  
995 ~~medical cannabis cardholder.]~~

996 ~~[(c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy~~  
997 ~~that the department designates as a home delivery medical cannabis pharmacy may deliver~~  
998 ~~medical cannabis shipments in accordance with this chapter.]~~

999 Section 15. Section **4-41a-1101**, which is renumbered from Section 26-61a-501 is  
1000 renumbered and amended to read:

1001 **Part 11. Medical Cannabis Pharmacy Operation and Agents**

1002 ~~[26-61a-501]~~ **4-41a-1101. Operating requirements -- General.**

1003 (1) (a) A medical cannabis pharmacy shall operate:

1004 (i) at the physical address provided to the department under Section ~~[26-61a-301]~~  
1005 4-41a-1001; and

1006 (ii) in accordance with the operating plan provided to the department under Section  
1007 ~~[26-61a-301]~~ 4-41a-1001 and, if applicable, Section ~~[26-61a-304]~~ 4-41a-1004.

1008 (b) A medical cannabis pharmacy shall notify the department before a change in the  
1009 medical cannabis pharmacy's physical address or operating plan.

1010 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

1011 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

1012 (b) except as provided in Subsection (4):

1013 (i) possesses a valid:

1014 (A) medical cannabis pharmacy agent registration card;

1015 (B) pharmacy medical provider registration card; or

1016 (C) medical cannabis card;

1017 (ii) is an employee of the department ~~[or the Department of Agriculture and Food]~~  
1018 performing an inspection under Section ~~[26-61a-504]~~ 4-41a-1103; or

1019 (iii) is another individual as the department provides.

1020 (3) A medical cannabis pharmacy may not employ an individual who is younger than  
1021 21 years old.

1022 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an  
1023 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to

1024 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors  
1025 the individual at all times while the individual is at the medical cannabis pharmacy and  
1026 maintains a record of the individual's access.

1027 (5) A medical cannabis pharmacy shall operate in a facility that has:

1028 (a) a single, secure public entrance;

1029 (b) a security system with a backup power source that:

1030 (i) detects and records entry into the medical cannabis pharmacy; and

1031 (ii) provides notice of an unauthorized entry to law enforcement when the medical  
1032 cannabis pharmacy is closed; and

1033 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a  
1034 cannabis product.

1035 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the  
1036 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection  
1037 ~~[26-61a-502(2)]~~ 4-41a-1102(2).

1038 (7) Except for an emergency situation described in Subsection 26-61a-201(3)(c), a  
1039 medical cannabis pharmacy may not allow any individual to consume cannabis on the property  
1040 or premises of the medical cannabis pharmacy.

1041 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without  
1042 first indicating on the cannabis or cannabis product label the name of the medical cannabis  
1043 pharmacy.

1044 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
1045 following information regarding each recommendation underlying a transaction:

1046 (i) the recommending medical provider's name, address, and telephone number;

1047 (ii) the patient's name and address;

1048 (iii) the date of issuance;

1049 (iv) directions of use and dosing guidelines or an indication that the recommending  
1050 medical provider did not recommend specific directions of use or dosing guidelines; and

1051 (v) if the patient did not complete the transaction, the name of the medical cannabis  
1052 cardholder who completed the transaction.

1053 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may  
1054 not sell medical cannabis unless the medical cannabis has a label securely affixed to the

1055 container indicating the following minimum information:

- 1056 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1057 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1058 (C) the date of the sale;
- 1059 (D) the name of the patient;
- 1060 (E) the name of the recommending medical provider who recommended the medical
- 1061 cannabis treatment;
- 1062 (F) directions for use and cautionary statements, if any;
- 1063 (G) the amount dispensed and the cannabinoid content;
- 1064 (H) the suggested use date;
- 1065 (I) for unprocessed cannabis flower, the legal use termination date; and
- 1066 (J) any other requirements that the department determines, in consultation with the
- 1067 Division of Professional Licensing and the Board of Pharmacy.

1068 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the  
1069 following information under Subsection (9)(b)(i) if the information is already provided on the  
1070 product label that a cannabis production establishment affixes:

- 1071 (A) a unique identification number;
- 1072 (B) directions for use and cautionary statements;
- 1073 (C) amount and cannabinoid content; and
- 1074 (D) a suggested use date.

1075 (iii) If the size of a medical cannabis container does not allow sufficient space to  
1076 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis  
1077 pharmacy may provide the following information described in Subsection (9)(b)(i) on a  
1078 supplemental label attached to the container or an informational enclosure that accompanies the  
1079 container:

- 1080 (A) the cannabinoid content;
- 1081 (B) the suggested use date; and
- 1082 (C) any other requirements that the department determines.

1083 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical  
1084 cannabis pharmacy without a label described in Subsection (9)(b)(i).

1085 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1086 (a) upon receipt of an order from a limited medical provider in accordance with  
1087 Subsections 26-61a-106(1)(b) through (d):

1088 (i) for a written order or an electronic order under circumstances that the department  
1089 determines, contact the limited medical provider or the limited medical provider's office to  
1090 verify the validity of the recommendation; and

1091 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy  
1092 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to  
1093 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation  
1094 or renewal, including any associated directions of use, dosing guidelines, or caregiver  
1095 indication, in the state electronic verification system;

1096 (b) in processing an order for a holder of a conditional medical cannabis card described  
1097 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the  
1098 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending  
1099 medical provider or the recommending medical provider's office to verify the validity of the  
1100 recommendation before processing the cardholder's order;

1101 (c) unless the medical cannabis cardholder has had a consultation under Subsection  
1102 [~~26-61a-502(4)~~] 26-61a-404(5) or [~~(5)~~] (6), verbally offer to a medical cannabis cardholder at  
1103 the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal  
1104 counseling with the pharmacy medical provider; and

1105 (d) provide a telephone number or website by which the cardholder may contact a  
1106 pharmacy medical provider for counseling.

1107 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program  
1108 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a  
1109 medical cannabis device, or medical cannabis product in a locked box or other secure  
1110 receptacle within the medical cannabis pharmacy.

1111 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
1112 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider  
1113 can access deposited medical cannabis or medical cannabis products.

1114 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or  
1115 medical cannabis products by:

1116 (i) rendering the deposited medical cannabis or medical cannabis products unusable

1117 and unrecognizable before transporting deposited medical cannabis or medical cannabis  
1118 products from the medical cannabis pharmacy; and

1119 (ii) disposing of the deposited medical cannabis or medical cannabis products in  
1120 accordance with:

1121 (A) federal and state law, rules, and regulations related to hazardous waste;

1122 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1123 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1124 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
1125 3, Utah Administrative Rulemaking Act.

1126 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
1127 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
1128 by a medical cannabis pharmacy.

1129 Section 16. Section ~~4-41a-1102~~, which is renumbered from Section 26-61a-502 is  
1130 renumbered and amended to read:

1131 ~~[26-61a-502]~~ 4-41a-1102. **Dispensing -- Amount a medical cannabis pharmacy**  
1132 **may dispense -- Reporting -- Form of cannabis or cannabis product.**

1133 (1) (a) A medical cannabis pharmacy may not sell a product other than [~~subject to this~~  
1134 ~~chapter~~]:

1135 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired  
1136 from another medical cannabis pharmacy or a cannabis processing facility that is licensed  
1137 under Section 4-41a-201;

1138 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy  
1139 acquired from another medical cannabis pharmacy or a cannabis processing facility that is  
1140 licensed under Section 4-41a-201;

1141 (iii) a medical cannabis device; or

1142 (iv) educational material related to the medical use of cannabis.

1143 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to  
1144 an individual with:

1145 (i) (A) a medical cannabis card; or

1146 (B) a department registration described in [~~Section 26-61a-201(10)] Subsection~~

1147 26-61a-201(11); and

- 1148 (ii) a corresponding valid form of photo identification.
- 1149 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
1150 cannabis-based drug that the United States Food and Drug Administration has approved.
- 1151 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a  
1152 medical cannabis device to an individual described in Subsection 26-61a-201(2)(a)(i)(B) or to a  
1153 minor described in Subsection 26-61a-201(2)(c) unless the individual or minor has the  
1154 approval of the Compassionate Use Board in accordance with Subsection 26-61a-105(5).
- 1155 (2) A medical cannabis pharmacy:
- 1156 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the  
1157 legal dosage limit of:
- 1158 (i) unprocessed cannabis that:
- 1159 (A) is in a medicinal dosage form; and
- 1160 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and  
1161 cannabidiol in the cannabis; and
- 1162 (ii) a cannabis product that is in a medicinal dosage form; and
- 1163 (b) may not dispense:
- 1164 (i) more medical cannabis than described in Subsection (2)(a); or
- 1165 (ii) to an individual whose recommending medical provider did not recommend  
1166 directions of use and dosing guidelines, until the individual consults with the pharmacy  
1167 medical provider in accordance with Subsection [(4);] 26-61a-404(5) any medical cannabis.
- 1168 [~~(3) An individual with a medical cannabis card:~~]
- 1169 [~~(a) may purchase, in any one 28-day period, up to the legal dosage limit of:]~~]
- 1170 [~~(i) unprocessed cannabis in a medicinal dosage form; and]~~]
- 1171 [~~(ii) a cannabis product in a medicinal dosage form;]~~]
- 1172 [~~(b) may not purchase:]~~]
- 1173 [~~(i) more medical cannabis than described in Subsection (3)(a); or]~~]
- 1174 [~~(ii) if the relevant recommending medical provider did not recommend directions of~~  
1175 ~~use and dosing guidelines, until the individual consults with the pharmacy medical provider in~~  
1176 ~~accordance with Subsection (4), any medical cannabis; and]~~]
- 1177 [~~(c) may not use a route of administration that the relevant recommending medical~~  
1178 ~~provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not~~]

1179 recommended. (4) If a recommending medical provider recommends treatment with medical  
1180 cannabis but wishes for the pharmacy medical provider to determine directions of use and  
1181 dosing guidelines:]

1182       ~~[(a) the recommending medical provider shall provide to the pharmacy medical~~  
1183 ~~provider, either through the state electronic verification system or through a medical cannabis~~  
1184 ~~pharmacy's recording of a recommendation under the order of a limited medical provider, any~~  
1185 ~~of the following information that the recommending medical provider feels would be needed to~~  
1186 ~~provide appropriate directions of use and dosing guidelines:]~~

1187           ~~[(i) information regarding the qualifying condition underlying the recommendation;]~~

1188           ~~[(ii) information regarding prior treatment attempts with medical cannabis; and]~~

1189           ~~[(iii) portions of the patient's current medication list; and]~~

1190       ~~[(b) before the relevant medical cannabis cardholder may obtain medical cannabis, the~~  
1191 ~~pharmacy medical provider shall:]~~

1192           ~~[(i) review pertinent medical records, including the recommending medical provider~~  
1193 ~~documentation described in Subsection (4)(a); and]~~

1194           ~~[(ii) unless the pertinent medical records show directions of use and dosing guidelines~~  
1195 ~~from a state central patient portal medical provider in accordance with Subsection (5), after~~  
1196 ~~completing the review described in Subsection (4)(b)(i) and consulting with the recommending~~  
1197 ~~medical provider as needed, determine the best course of treatment through consultation with~~  
1198 ~~the cardholder regarding:]~~

1199           ~~[(A) the patient's qualifying condition underlying the recommendation from the~~  
1200 ~~recommending medical provider;]~~

1201           ~~[(B) indications for available treatments;]~~

1202           ~~[(C) directions of use and dosing guidelines; and]~~

1203           ~~[(D) potential adverse reactions. (5) (a) A state central patient portal medical provider~~  
1204 ~~may provide the consultation and make the determination described in Subsection (4)(b) for a~~  
1205 ~~medical cannabis patient cardholder regarding an electronic order that the state central patient~~  
1206 ~~portal facilitates.]~~

1207           ~~[(b) The state central patient portal medical provider described in Subsection (5)(a)~~  
1208 ~~shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)~~  
1209 ~~in the pertinent medical records.]~~

1210 ~~[(6)]~~ (3) (a) A medical cannabis pharmacy shall:

1211 (i) (A) access the state electronic verification system before dispensing cannabis or a  
1212 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,  
1213 where applicable, the associated patient has met the maximum amount of medical cannabis  
1214 described in Subsection (2); and

1215 (B) if the verification in Subsection ~~[(6)(a)(i)]~~ (3)(a)(i) indicates that the individual has  
1216 met the maximum amount described in Subsection (2), decline the sale, and notify the  
1217 recommending medical provider who made the underlying recommendation;

1218 (ii) submit a record to the state electronic verification system each time the medical  
1219 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1220 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews  
1221 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in  
1222 accordance with pharmacy practice standards;

1223 (iv) package any medical cannabis that is in a container that:

1224 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a  
1225 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in  
1226 Section 26-61a-102;

1227 (B) is tamper-resistant and tamper-evident; and

1228 (C) provides an opaque bag or box for the medical cannabis cardholder's use in  
1229 transporting the container in public; and

1230 (v) for a product that is a cube that is designed for ingestion through chewing or  
1231 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
1232 of over-consumption.

1233 (b) A medical cannabis cardholder transporting or possessing the container described  
1234 in Subsection ~~[(6)(a)(iv)]~~ (3)(a)(iv) in public shall keep the container within the opaque bag or  
1235 box that the medical cannabis pharmacist provides.

1236 ~~[(7)]~~ (4) (a) Except as provided in Subsection ~~[(7)(b)]~~ (4)(b), a medical cannabis  
1237 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device  
1238 that is intentionally designed or constructed to resemble a cigarette.

1239 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms  
1240 cannabis material into a vapor without the use of a flame and that delivers cannabis to an



1241 individual's respiratory system.

1242 ~~[(8)]~~ (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the  
1243 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

1244 (b) A medical cannabis pharmacy may give, at no cost, educational material related to  
1245 the medical use of cannabis.

1246 ~~[(9) The department may impose a uniform fee on each medical cannabis transaction in  
1247 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the  
1248 department sets in accordance with Section 63J-1-504.]~~

1249 ~~[(10)]~~ (6) A medical cannabis pharmacy may purchase and store medical cannabis  
1250 devices regardless of whether the seller has a cannabis-related license under this ~~[title or Title~~  
1251 ~~4, Chapter 41a, Cannabis Production Establishments]~~ chapter or Title 26B, Utah Health Code.

1252 Section 17. Section **4-41a-1103**, which is renumbered from Section 26-61a-504 is  
1253 renumbered and amended to read:

1254 ~~[26-61a-504]~~ **4-41a-1103. Inspections.**

1255 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis  
1256 treatment recommendation files and other records in accordance with this chapter, department  
1257 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.  
1258 104-191, 110 Stat. 1936, as amended.

1259 (2) (a) The department ~~[or the Department of Agriculture and Food]~~ may inspect the  
1260 records, facility, and inventory of a medical cannabis pharmacy at any time during business  
1261 hours in order to determine if the medical cannabis pharmacy complies with this chapter ~~[and~~  
1262 ~~Title 4, Chapter 41a, Cannabis Production Establishments]~~.

1263 (b) The Department of Health and Human Services may inspect patient records held by  
1264 a medical cannabis pharmacy:

1265 (i) for compliance with the federal Health Insurance Portability and Accountability Act  
1266 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; or

1267 (ii) to ensure that a medical cannabis pharmacy is providing a cannabis product to a  
1268 patient in accordance with the recommendations of the patient's recommending medical  
1269 provider.

1270 (3) (a) An inspection conducted by the department under this section may include:

1271 ~~[(a)]~~ (i) ~~[inspection of]~~ inspecting a site, facility, vehicle, book, record, paper,

1272 document, data, or other physical or electronic information, or any combination of the above;

1273 ~~[(b)]~~ (ii) questioning of any relevant individual;

1274 ~~[(c)]~~ (iii) ~~[inspection of]~~ inspecting equipment, an instrument, a tool, or machinery,  
1275 including a container or label;

1276 ~~[(d)]~~ (iv) random sampling of medical cannabis ~~[by the Department of Agriculture and~~  
1277 ~~Food]~~ in accordance with rules described in Section 4-41a-701; or

1278 ~~[(e)]~~ (v) seizure of medical cannabis, medical cannabis devices, or educational material  
1279 as evidence in a department investigation or inspection or in instances of compliance failure.

1280 (b) An inspection conducted by the Department of Health and Human Services under  
1281 Subsection (2)(b) may include:

1282 (i) inspecting a site, facility, vehicle, book, record, paper, document, data, or other  
1283 physical or electronic information, or any combination of the above; or

1284 (ii) questioning of any relevant individual.

1285 (4) In making an inspection under this section~~[-]~~:

1286 (a) the department ~~[or the Department of Agriculture and Food]~~ may freely access any  
1287 area and review and make copies of a book, record, paper, document, data, or other physical or  
1288 electronic information, including financial data, sales data, shipping data, pricing data, and  
1289 employee data~~[-]~~; and

1290 (b) the Department of Health and Human Services may freely access any area and  
1291 review and make copies of a book, record, paper, document, data, or other physical or  
1292 electronic information related to patient records.

1293 (5) Failure to provide the department, the ~~[Department of Agriculture and Food]~~  
1294 Department of Health and Human Services, or the authorized agents of the department or the  
1295 ~~[Department of Agriculture and Food]~~ Department of Health and Human Services immediate  
1296 access to records and facilities during business hours in accordance with this section may result  
1297 in:

1298 (a) the imposition of a civil monetary penalty that the department sets in accordance  
1299 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1300 (b) license or registration suspension or revocation; or

1301 (c) an immediate cessation of operations under a cease and desist order that the  
1302 department issues.

1303 (6) Notwithstanding any other provision of law, the department may temporarily store  
1304 in any department facility the items the department seizes under Subsection (3)(e) until the  
1305 department:

1306 (a) determines that sufficient compliance justifies the return of the seized items; or

1307 (b) disposes of the items in the same manner as a cannabis production establishment in  
1308 accordance with Section 4-41a-405.

1309 Section 18. Section ~~4-41a-1104~~, which is renumbered from Section 26-61a-505 is  
1310 renumbered and amended to read:

1311 ~~[26-61a-505]~~ 4-41a-1104. **Advertising.**

1312 (1) Except as provided in this section, a person may not advertise in any medium  
1313 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

1314 (2) Subject to Section ~~[26-61a-116]~~ 4-41a-109, a medical cannabis pharmacy may:

1315 (a) advertise an employment opportunity at the medical cannabis pharmacy;

1316 (b) notwithstanding any municipal or county ordinance prohibiting signage, use

1317 signage on the outside of the medical cannabis pharmacy that:

1318 (i) includes only:

1319 (A) in accordance with Subsection ~~[26-61a-116(4)]~~ 4-41a-109(4), the medical cannabis  
1320 pharmacy's name, logo, and hours of operation; and

1321 (B) a green cross; and

1322 (ii) complies with local ordinances regulating signage;

1323 (c) advertise in any medium:

1324 (i) the pharmacy's name and logo;

1325 (ii) the location and hours of operation of the medical cannabis pharmacy;

1326 (iii) a service available at the medical cannabis pharmacy;

1327 (iv) personnel affiliated with the medical cannabis pharmacy;

1328 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical  
1329 cannabis pharmacy;

1330 (vi) best practices that the medical cannabis pharmacy upholds; and

1331 (vii) educational material related to the medical use of cannabis, as defined by the  
1332 department;

1333 (d) hold an educational event for the public or medical providers in accordance with

1334 Subsection (3) and the rules described in Subsection (4); and  
1335 (e) maintain on the medical cannabis pharmacy's website non-promotional information  
1336 regarding the medical cannabis pharmacy's inventory.

1337 (3) A medical cannabis pharmacy may not include in an educational event described in  
1338 Subsection (2)(d):

1339 (a) any topic that conflicts with this chapter or [~~Title 4, Chapter 41a, Cannabis~~  
1340 ~~Production Establishments~~] Title 26, Chapter 61a, Utah Medical Cannabis Act;

1341 (b) any gift items or merchandise other than educational materials, as those terms are  
1342 defined by the department;

1343 (c) any marketing for a specific product from the medical cannabis pharmacy or any  
1344 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic  
1345 Act, 21 U.S.C. Sec. 301, et seq.; or

1346 (d) a presenter other than the following:

1347 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1348 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1349 Practice Act;

1350 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1351 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1352 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1353 Assistant Act;

1354 (v) a medical practitioner, similar to [~~the practitioners~~] a practitioner described in [~~this~~  
1355 ~~Subsection (3)(d)(v)] Subsections (3)(d)(i) through (iv), who is licensed in another state or  
1356 country;~~

1357 (vi) a state employee; or

1358 (vii) if the presentation relates to a cannabis topic other than medical treatment or  
1359 medical conditions, an individual whom the department approves based on the individual's  
1360 background and credentials in the presented topic.

1361 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1362 Administrative Rulemaking Act, to define:

1363 (a) the educational material described in Subsection (2)(c)(vii); and

1364 (b) the elements of and restrictions on the educational event described in Subsection

1365 (3), including:

1366 (i) a minimum age of 21 years old for attendees; and

1367 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is  
1368 at least 18 years old.

1369 Section 19. Section **4-41a-1105**, which is renumbered from Section 26-61a-507 is  
1370 renumbered and amended to read:

1371 ~~[26-61a-507]~~ **4-41a-1105. Local control.**

1372 (1) The operation of a medical cannabis pharmacy:

1373 (a) shall be a permitted use:

1374 (i) in any zone, overlay, or district within the municipality or county except for a  
1375 primarily residential zone; and

1376 (ii) on land that the municipality or county has not zoned; and

1377 (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and  
1378 17-27a-103, that apply in the underlying zone.

1379 (2) A municipality or county may not:

1380 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal  
1381 law regarding the legal status of cannabis, deny or revoke:

1382 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to  
1383 operate a medical cannabis pharmacy; or

1384 (ii) a business license to operate a medical cannabis pharmacy;

1385 (b) require a certain distance between a medical cannabis pharmacy and:

1386 (i) another medical cannabis pharmacy;

1387 (ii) a cannabis production establishment;

1388 (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or

1389 (iv) an outlet, as that term is defined in Section 32B-1-202; or

1390 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use  
1391 regulation against a medical cannabis pharmacy that was not in effect on the day on which the  
1392 medical cannabis pharmacy submitted a complete land use application.

1393 (3) (a) A municipality or county may enact an ordinance that:

1394 (i) is not in conflict with this chapter; and

1395 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the

1396 municipality or county.

1397 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not  
1398 restrict the hours of operation from 7 a.m. to 10 p.m.

1399 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall  
1400 comply with the land use requirements and application process described in:

1401 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,  
1402 including Section 10-9a-528; and

1403 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,  
1404 including Section 17-27a-525.

1405 Section 20. Section ~~4-41a-1106~~, which is renumbered from Section 26-61a-401 is  
1406 renumbered and amended to read:

1407 ~~[26-61a-401]~~ **4-41a-1106. Medical cannabis pharmacy agent -- Registration.**

1408 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
1409 cannabis pharmacy unless the department registers the individual as a medical cannabis  
1410 pharmacy agent.

1411 (2) A recommending medical provider may not act as a medical cannabis pharmacy  
1412 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or  
1413 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1414 (3) (a) The department shall, within 15 days after the day on which the department  
1415 receives a complete application from a medical cannabis pharmacy on behalf of a prospective  
1416 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent  
1417 registration card to the prospective agent if the medical cannabis pharmacy:

1418 (i) provides to the department:

1419 (A) the prospective agent's name and address;

1420 (B) the name and location of the licensed medical cannabis pharmacy where the  
1421 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1422 (C) the submission required under Subsection (3)(b); and

1423 (ii) pays a fee to the department in an amount that, subject to Subsection  
1424 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1425 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent  
1426 registration card within less than one year after the expiration of the applicant's previous

1427 medical cannabis pharmacy agent registration card, each prospective agent described in  
1428 Subsection (3)(a) shall:

1429 (i) submit to the department:

1430 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and  
1431 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
1432 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next  
1433 Generation Identification System's Rap Back Service; and

1434 (ii) consent to a fingerprint background check by:

1435 (A) the Bureau of Criminal Identification; and  
1436 (B) the Federal Bureau of Investigation.

1437 (c) The Bureau of Criminal Identification shall:

1438 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against  
1439 the applicable state, regional, and national criminal records databases, including the Federal  
1440 Bureau of Investigation Next Generation Identification System;

1441 (ii) report the results of the background check to the department;

1442 (iii) maintain a separate file of fingerprints that prospective agents submit under  
1443 Subsection (3)(b) for search by future submissions to the local and regional criminal records  
1444 databases, including latent prints;

1445 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1446 Generation Identification System's Rap Back Service for search by future submissions to  
1447 national criminal records databases, including the Next Generation Identification System and  
1448 latent prints; and

1449 (v) establish a privacy risk mitigation strategy to ensure that the department only  
1450 receives notifications for an individual with whom the department maintains an authorizing  
1451 relationship.

1452 (d) The department shall:

1453 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an  
1454 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
1455 Bureau of Criminal Identification or another authorized agency provides under this section; and  
1456 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal  
1457 Identification.

1458 (4) The department shall designate, on an individual's medical cannabis pharmacy  
1459 agent registration card the name of the medical cannabis pharmacy where the individual is  
1460 registered as an agent.

1461 (5) A medical cannabis pharmacy agent shall comply with a certification standard that  
1462 the department develops in collaboration with the Division of Professional Licensing and the  
1463 Board of Pharmacy, or a third-party certification standard that the department designates by  
1464 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy  
1465 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1466 (6) The department shall ensure that the certification standard described in Subsection  
1467 (5) includes training in:

- 1468 (a) Utah medical cannabis law; and
- 1469 (b) medical cannabis pharmacy best practices.

1470 (7) The department may revoke the medical cannabis pharmacy agent registration card  
1471 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual  
1472 who:

- 1473 (a) violates the requirements of this chapter; or
- 1474 (b) is convicted under state or federal law of:
  - 1475 (i) a felony within the preceding 10 years; or
  - 1476 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1477 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the  
1478 day on which the department issues or renews the card.

1479 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
1480 agent:

1481 (i) is eligible for a medical cannabis pharmacy agent registration card under this  
1482 section;

1483 (ii) certifies to the department in a renewal application that the information in  
1484 Subsection (3)(a) is accurate or updates the information; and

1485 (iii) pays to the department a renewal fee in an amount that:

1486 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with  
1487 Section 63J-1-504; and

1488 (B) may not exceed the cost of the relatively lower administrative burden of renewal in



1489 comparison to the original application process.

1490 (9) (a) As a condition precedent to registration and renewal of a medical cannabis  
1491 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1492 (i) complete at least one hour of continuing education regarding patient privacy and  
1493 federal health information privacy laws that is offered by the department under Subsection  
1494 (9)(b) or an accredited or approved continuing education provider that the department  
1495 recognizes as offering continuing education appropriate for the medical cannabis pharmacy  
1496 practice; and

1497 (ii) make a continuing education report to the department in accordance with a process  
1498 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
1499 Administrative Rulemaking Act, and in collaboration with the Division of Professional  
1500 Licensing and the Board of Pharmacy.

1501 (b) The department may, in consultation with the Division of Professional Licensing,  
1502 develop the continuing education described in this Subsection (9).

1503 (c) The pharmacist-in-charge described in Section 26-61a-403 shall ensure that each  
1504 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to  
1505 the state electronic verification system is in compliance with this Subsection (9).

1506 Section 21. Section ~~4-41a-1107~~, which is renumbered from Section 26-61a-402 is  
1507 renumbered and amended to read:

1508 ~~[26-61a-402]~~ **4-41a-1107**. **Medical cannabis pharmacy agent registration card --**  
1509 **Rebuttable presumption.**

1510 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis  
1511 pharmacy agent registration card with the individual at all times when:

1512 (a) the individual is on the premises of a medical cannabis pharmacy; and

1513 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis  
1514 product in a medicinal dosage form, or a medical cannabis device between a cannabis  
1515 production establishment and a medical cannabis pharmacy.

1516 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal  
1517 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or  
1518 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage  
1519 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical

1520 cannabis device in compliance with Subsection (1):

1521 (a) there is a rebuttable presumption that the individual possesses the cannabis,  
1522 cannabis product, or medical cannabis device legally; and

1523 (b) there is no probable cause, based solely on the individual's possession of the  
1524 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical  
1525 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal  
1526 activity.

1527 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical  
1528 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

1529 (i) for a first or second offense in a two-year period:

1530 (A) guilty of an infraction; and

1531 (B) is subject to a \$100 fine; or

1532 (ii) for a third or subsequent offense in a two-year period:

1533 (A) guilty of a class C misdemeanor; and

1534 (B) subject to a \$750 fine.

1535 (b) (i) The prosecuting entity shall notify the department and the relevant medical  
1536 cannabis pharmacy of each conviction under Subsection (3)(a).

1537 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
1538 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule  
1539 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
1540 Administrative Rulemaking Act.

1541 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not  
1542 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1543 underlying the violation described in Subsection (3)(a).

1544 Section 22. Section **4-41a-1201** is enacted to read:

1545 **Part 12. Medical Cannabis Home Delivery and Couriers**

1546 **4-41a-1201. Medical cannabis home delivery designation.**

1547 (1) The department may designate a medical cannabis pharmacy as a home delivery  
1548 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's  
1549 operating plan demonstrates the functional and technical ability to:

1550 (a) safely conduct transactions for medical cannabis shipments;

1551 (b) accept electronic medical cannabis orders that the state central patient portal  
 1552 facilitates; and

1553 (c) accept payments through:

1554 (i) a payment provider that the Division of Finance approves, in consultation with the  
 1555 state treasurer, in accordance with Section 26-61a-603; or

1556 (ii) a financial institution in accordance with Subsection 26-61a-603(4).

1557 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy  
 1558 shall identify in the applicant's operating plan any information relevant to the department's  
 1559 evaluation described in Subsection (1)(a), including:

1560 (a) the name and contact information of the payment provider;

1561 (b) the nature of the relationship between the prospective licensee and the payment  
 1562 provider;

1563 (c) the processes of the following to safely and reliably conduct transactions for  
 1564 medical cannabis shipments:

1565 (i) the prospective licensee; and

1566 (ii) the electronic payment provider or the financial institution described in Subsection  
 1567 (1)(c); and

1568 (d) the ability of the licensee to comply with the department's rules regarding the secure  
 1569 transportation and delivery of medical cannabis or medical cannabis product to a medical  
 1570 cannabis cardholder.

1571 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy  
 1572 that the department designates as a home delivery medical cannabis pharmacy may deliver  
 1573 medical cannabis shipments in accordance with this part.

1574 Section 23. Section ~~4-41a-1202~~, which is renumbered from Section 26-61a-604 is  
 1575 renumbered and amended to read:

1576 ~~[26-61a-604]~~ **4-41a-1202. Home delivery of medical cannabis shipments --**  
 1577 **Medical cannabis couriers -- License.**

1578 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
 1579 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home  
 1580 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the  
 1581 state central patient portal facilitates, including rules regarding the safe and controlled delivery

1582 of medical cannabis shipments.

1583 (2) A person may not operate as a medical cannabis courier without a license that the  
1584 department issues under this section.

1585 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to  
1586 operate as a medical cannabis courier to an applicant who is eligible for a license under this  
1587 section.

1588 (b) An applicant is eligible for a license under this section if the applicant submits to  
1589 the department:

1590 (i) the name and address of an individual who:

1591 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis  
1592 pharmacy; or

1593 (B) has the power to direct or cause the management or control of a proposed cannabis  
1594 production establishment;

1595 (ii) an operating plan that includes operating procedures to comply with the operating  
1596 requirements for a medical cannabis courier described in this chapter; and

1597 (iii) an application fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]  
1598 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

1599 (4) If the department determines that an applicant is eligible for a license under this  
1600 section, the department shall:

1601 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
1602 [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

1603 (b) notify the Department of Public Safety of the license approval and the names of  
1604 each individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i).

1605 (5) The department may not issue a license to operate as a medical cannabis courier to  
1606 an applicant if an individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i):

1607 (a) has been convicted under state or federal law of:

1608 (i) a felony; or

1609 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1610 (b) is younger than 21 years old.

1611 (6) The department may revoke a license under this part if:

1612 (a) the medical cannabis courier does not begin operations within one year after the day

- 1613 on which the department issues the initial license;
- 1614 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1615 (c) an individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i) is convicted, while the
- 1616 license is active, under state or federal law of:
- 1617 (i) a felony; or
- 1618 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1619 (d) after a change of ownership described in Subsection (15)(c), the department
- 1620 determines that the medical cannabis courier no longer meets the minimum standards for
- 1621 licensure and operation of the medical cannabis courier described in this chapter.
- 1622 (7) The department shall deposit the proceeds of a fee imposed by this section in the
- 1623 Qualified [Patient] Production Enterprise Fund.
- 1624 (8) The department shall begin accepting applications under this section on or before
- 1625 July 1, 2020.
- 1626 (9) The department's authority to issue a license under this section is plenary and is not
- 1627 subject to review.
- 1628 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
- 1629 of application, from each individual who has a financial or voting interest of 2% or greater in
- 1630 the applicant or who has the power to direct or cause the management or control of the
- 1631 applicant:
- 1632 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 1633 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 1634 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
- 1635 Generation Identification System's Rap Back Service; and
- 1636 (c) consent to a fingerprint background check by:
- 1637 (i) the Bureau of Criminal Identification; and
- 1638 (ii) the Federal Bureau of Investigation.
- 1639 (11) The Bureau of Criminal Identification shall:
- 1640 (a) check the fingerprints the applicant submits under Subsection (10) against the
- 1641 applicable state, regional, and national criminal records databases, including the Federal
- 1642 Bureau of Investigation Next Generation Identification System;
- 1643 (b) report the results of the background check to the department;

1644 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)  
1645 for search by future submissions to the local and regional criminal records databases, including  
1646 latent prints;

1647 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1648 Generation Identification System's Rap Back Service for search by future submissions to  
1649 national criminal records databases, including the Next Generation Identification System and  
1650 latent prints; and

1651 (e) establish a privacy risk mitigation strategy to ensure that the department only  
1652 receives notifications for an individual with whom the department maintains an authorizing  
1653 relationship.

1654 (12) The department shall:

1655 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an  
1656 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
1657 Bureau of Criminal Identification or another authorized agency provides under this section; and

1658 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal  
1659 Identification.

1660 (13) The department shall renew a license under this section every year if, at the time  
1661 of renewal:

1662 (a) the licensee meets the requirements of this section; and

1663 (b) the licensee pays the department a license renewal fee in an amount that, subject to  
1664 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1665 (14) A person applying for a medical cannabis courier license shall submit to the  
1666 department a proposed operating plan that complies with this section and that includes:

1667 (a) a description of the physical characteristics of any proposed facilities, including a  
1668 floor plan and an architectural elevation, and delivery vehicles;

1669 (b) a description of the credentials and experience of each officer, director, or owner of  
1670 the proposed medical cannabis courier;

1671 (c) the medical cannabis courier's employee training standards;

1672 (d) a security plan; and

1673 (e) storage and delivery protocols, both short and long term, to ensure that medical  
1674 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the

1675 integrity of the cannabis.

1676 (15) (a) A medical cannabis courier license is not transferrable or assignable.

1677 (b) A medical cannabis courier shall report in writing to the department no later than  
1678 10 business days before the date of any change of ownership of the medical cannabis courier.

1679 (c) If the ownership of a medical cannabis courier changes by 50% or more:

1680 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis  
1681 courier shall submit a new application described in Subsection (3)(b);

1682 (ii) within 30 days of the submission of the application, the department shall:

1683 (A) conduct an application review; and

1684 (B) award a license to the medical cannabis courier for the remainder of the term of the  
1685 medical cannabis courier's license before the ownership change if the medical cannabis courier  
1686 meets the minimum standards for licensure and operation of the medical cannabis courier  
1687 described in this chapter; and

1688 (iii) if the department approves the license application, notwithstanding Subsection (4),  
1689 the medical cannabis courier shall pay a license fee that the department sets in accordance with  
1690 Section 63J-1-504 in an amount that covers the board's cost of conducting the application  
1691 review.

1692 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding  
1693 the transportation of medical cannabis.

1694 (b) Notwithstanding Subsection (15)(a) and subject to Section ~~[26-61a-116]~~ 4-41a-109,  
1695 a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier  
1696 may advertise:

1697 (i) a green cross;

1698 (ii) the pharmacy's or courier's name and logo; and

1699 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1700 Section 24. Section **4-41a-1203**, which is renumbered from Section 26-61a-605 is  
1701 renumbered and amended to read:

1702 ~~[26-61a-605]~~ **4-41a-1203. Medical cannabis shipment transportation.**

1703 (1) The department shall ensure that each home delivery medical cannabis pharmacy is  
1704 capable of delivering, directly or through a medical cannabis courier, medical cannabis  
1705 shipments in a secure manner.

1706 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed  
1707 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical  
1708 cannabis orders that the state central patient portal facilitates.

1709 (b) If a home delivery medical cannabis pharmacy enters into a contract described in  
1710 Subsection (2)(a), the pharmacy shall:

1711 (i) impose security and personnel requirements on the medical cannabis courier  
1712 sufficient to ensure the security and safety of medical cannabis shipments; and

1713 (ii) provide regular oversight of the medical cannabis courier.

1714 (3) ~~[Except for an individual with a valid medical cannabis card who transports a~~  
1715 ~~shipment the individual receives, an] Notwithstanding Subsection 4-41a-404(1), an individual~~  
1716 may ~~[not]~~ transport a medical cannabis shipment ~~[unless]~~ if the individual is:

1717 (a) a registered pharmacy medical provider;

1718 (b) a registered medical cannabis pharmacy agent; or

1719 (c) a registered agent of the medical cannabis courier described in Subsection (2).

1720 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall  
1721 ~~[possess a physical or electronic transportation manifest that:]~~ comply with the requirement of  
1722 Subsection 4-41a-404(3).

1723 ~~[(a) includes a unique identifier that links the medical cannabis shipment to a relevant~~  
1724 ~~inventory control system;]~~

1725 ~~[(b) includes origin and destination information for the medical cannabis shipment the~~  
1726 ~~individual is transporting, and]~~

1727 ~~[(c) indicates the departure and estimated arrival times and locations of the individual~~  
1728 ~~transporting the medical cannabis shipment].~~

1729 (5) In addition to the requirements in Subsections (3) and (4), the department may  
1730 establish by rule, in collaboration with the Division of Professional Licensing and the Board of  
1731 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1732 requirements for transporting medical cannabis shipments that are related to safety for human  
1733 consumption of cannabis or a cannabis product.

1734 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a  
1735 manifest that does not meet the requirements of Subsection (4).

1736 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection



1737 (6)(a) is:

1738 (i) guilty of an infraction; and

1739 (ii) subject to a \$100 fine.

1740 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not  
1741 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1742 underlying the violation described in Subsection (6)(b).

1743 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,  
1744 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
1745 minimis administrative error:

1746 (i) this chapter does not apply; and

1747 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
1748 Substances Act.

1749 Section 25. Section ~~4-41a-1204~~, which is renumbered from Section 26-61a-606 is  
1750 renumbered and amended to read:

1751 ~~[26-61a-606]~~ 4-41a-1204. **Medical cannabis courier agent -- Background check --**  
1752 **Registration card -- Rebuttable presumption.**

1753 (1) An individual may not serve as a medical cannabis courier agent unless:

1754 (a) the individual is an employee of a licensed medical cannabis courier; and

1755 (b) the department registers the individual as a medical cannabis courier agent.

1756 (2) (a) The department shall, within 15 days after the day on which the department  
1757 receives a complete application from a medical cannabis courier on behalf of a medical  
1758 cannabis courier agent, register and issue a medical cannabis courier agent registration card to  
1759 the prospective agent if the medical cannabis courier:

1760 (i) provides to the department:

1761 (A) the prospective agent's name and address;

1762 (B) the name and address of the medical cannabis courier;

1763 (C) the name and address of each home delivery medical cannabis pharmacy with  
1764 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

1765 (D) the submission required under Subsection (2)(b);

1766 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal  
1767 law of:

- 1768 (A) a felony; or
- 1769 (B) after December 3, 2018, a misdemeanor for drug distribution; and
- 1770 (iii) pays the department a fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]
- 1771 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1772 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
- 1773 card within less than one year after the expiration of the applicant's previous medical cannabis
- 1774 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:
- 1775 (i) submit to the department:
- 1776 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 1777 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 1778 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
- 1779 Generation Identification System's Rap Back Service; and
- 1780 (ii) consent to a fingerprint background check by:
- 1781 (A) the Bureau of Criminal Identification; and
- 1782 (B) the Federal Bureau of Investigation.
- 1783 (c) The Bureau of Criminal Identification shall:
- 1784 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
- 1785 the applicable state, regional, and national criminal records databases, including the Federal
- 1786 Bureau of Investigation Next Generation Identification System;
- 1787 (ii) report the results of the background check to the department;
- 1788 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 1789 Subsection (2)(b) for search by future submissions to the local and regional criminal records
- 1790 databases, including latent prints;
- 1791 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1792 Generation Identification System's Rap Back Service for search by future submissions to
- 1793 national criminal records databases, including the Next Generation Identification System and
- 1794 latent prints; and
- 1795 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 1796 receives notifications for an individual with whom the department maintains an authorizing
- 1797 relationship.
- 1798 (d) The department shall:

1799 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an  
1800 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
1801 Bureau of Criminal Identification or another authorized agency provides under this section; and

1802 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal  
1803 Identification.

1804 (3) The department shall designate on an individual's medical cannabis courier agent  
1805 registration card the name of the medical cannabis pharmacy where the individual is registered  
1806 as an agent and each home delivery medical cannabis courier for which the medical cannabis  
1807 courier delivers medical cannabis shipments.

1808 (4) (a) A medical cannabis courier agent shall comply with a certification standard that  
1809 the department develops, in collaboration with the Division of Professional Licensing and the  
1810 Board of Pharmacy, or a third-party certification standard that the department designates by  
1811 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy  
1812 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1813 (b) The department shall ensure that the certification standard described in Subsection  
1814 (4)(a) includes training in:

- 1815 (i) Utah medical cannabis law;
- 1816 (ii) the medical cannabis shipment process; and
- 1817 (iii) medical cannabis courier agent best practices.

1818 (5) (a) A medical cannabis courier agent registration card expires two years after the  
1819 day on which the department issues or renews the card.

1820 (b) A medical cannabis courier agent may renew the agent's registration card if the  
1821 agent:

- 1822 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 1823 (ii) certifies to the department in a renewal application that the information in  
1824 Subsection (2)(a) is accurate or updates the information; and
- 1825 (iii) pays to the department a renewal fee in an amount that:

1826 (A) subject to Subsection [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in  
1827 accordance with Section 63J-1-504; and

1828 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
1829 comparison to the original application process.

- 1830 (6) The department may revoke or refuse to issue or renew the medical cannabis  
1831 courier agent registration card of an individual who:
- 1832 (a) violates the requirements of this chapter; or
  - 1833 (b) is convicted under state or federal law of:
    - 1834 (i) a felony within the preceding 10 years; or
    - 1835 (ii) after December 3, 2018, a misdemeanor for drug distribution.
  - 1836 (7) A medical cannabis courier agent whom the department has registered under this  
1837 section shall carry the agent's medical cannabis courier agent registration card with the agent at  
1838 all times when:
    - 1839 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis  
1840 pharmacy, or a medical cannabis cardholder's home address; and
    - 1841 (b) the agent is handling a medical cannabis shipment.
  - 1842 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses  
1843 the shipment in compliance with Subsection (7):
    - 1844 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
    - 1845 (b) there is no probable cause, based solely on the agent's possession of the medical  
1846 cannabis shipment that the agent is engaging in illegal activity.
  - 1847 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:
    - 1848 (i) guilty of an infraction; and
    - 1849 (ii) subject to a \$100 fine.
  - 1850 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not  
1851 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1852 underlying the violation described in Subsection (9)(a).
- 1853 Section 26. Section **4-41a-1205**, which is renumbered from Section 26-61a-607 is  
1854 renumbered and amended to read:
- 1855 **~~[26-61a-607]~~ 4-41a-1205. Home delivery of medical cannabis shipments.**
- 1856 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical  
1857 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery  
1858 medical cannabis pharmacy unless:
- 1859 (a) the individual receiving the shipment presents:
    - 1860 (i) a valid form of photo identification; and

- 1861 (ii) (A) a valid medical cannabis card under the same name that appears on the valid  
1862 form of photo identification; or
- 1863 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under  
1864 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and
- 1865 (b) the delivery occurs at:
- 1866 (i) the medical cannabis cardholder's home address that is on file in the state electronic  
1867 verification system; or
- 1868 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under  
1869 Subsection 26-61a-202(1)(b).
- 1870 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent  
1871 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:
- 1872 (a) verify the shipment information using the state electronic verification system;
- 1873 (b) ensure that the individual satisfies the identification requirements in Subsection (1);
- 1874 (c) verify that payment is complete; and
- 1875 (d) record the completion of the shipment transaction in a manner such that the  
1876 delivery of the shipment will later be recorded within a reasonable period in the electronic  
1877 verification system.
- 1878 (3) The medical cannabis courier shall:
- 1879 (a) (i) store each medical cannabis shipment in a secure manner until the recipient  
1880 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the  
1881 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);  
1882 and
- 1883 (ii) ensure that only a medical cannabis courier agent is able to access the medical  
1884 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;
- 1885 (b) return any undelivered medical cannabis shipment to the home delivery medical  
1886 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has  
1887 possessed the shipment for 10 business days; and
- 1888 (c) return any medical cannabis shipment to the home delivery medical cannabis  
1889 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to  
1890 accept the shipment.
- 1891 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy

1892 agent returns an undelivered medical cannabis shipment that remains unopened, the home  
1893 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

1894 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent  
1895 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears  
1896 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the  
1897 shipment by:

1898 (i) rendering the shipment unusable and unrecognizable before transporting the  
1899 shipment from the home delivery medical cannabis pharmacy; and

1900 (ii) disposing of the shipment in accordance with:

1901 (A) federal and state laws, rules, and regulations related to hazardous waste;

1902 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1903 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1904 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
1905 3, Utah Administrative Rulemaking Act.

1906 Section 27. Section **10-9a-528** is amended to read:

1907 **10-9a-528. Cannabis production establishments, medical cannabis pharmacies,**  
1908 **and industrial hemp producer licensee.**

1909 (1) As used in this section:

1910 (a) "Cannabis production establishment" means the same as that term is defined in  
1911 Section 4-41a-102.

1912 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is  
1913 defined in Section 4-41-102.

1914 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section  
1915 26-61a-102.

1916 (2) (a) (i) A municipality may not regulate a cannabis production establishment or a  
1917 medical cannabis pharmacy in conflict with:

1918 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and  
1919 applicable jurisprudence; and

1920 (B) this chapter.

1921 [~~(ii) A municipality may not regulate a medical cannabis pharmacy in conflict with:~~]

1922 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~]

1923 and]

1924 [~~(B) this chapter.~~]

1925 [~~(iii)~~] (ii) A municipality may not regulate an industrial hemp producer licensee in  
1926 conflict with:

1927 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

1928 (B) this chapter.

1929 (b) The Department of Agriculture and Food has plenary authority to license programs  
1930 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

1931 [~~(c) The Department of Health has plenary authority to license programs or entities that  
1932 operate a medical cannabis pharmacy.~~]

1933 (3) (a) Within the time period described in Subsection (3)(b), a municipality shall  
1934 prepare and adopt a land use regulation, development agreement, or land use decision in  
1935 accordance with this title and:

1936 (i) regarding a cannabis production establishment, Section 4-41a-406; or

1937 (ii) regarding a medical cannabis pharmacy, Section [~~26-61a-507~~] 4-41a-110.

1938 (b) A municipality shall take the action described in Subsection (3)(a):

1939 (i) before January 1, 2021, within 45 days after the day on which the municipality  
1940 receives a petition for the action; and

1941 (ii) after January 1, 2021, in accordance with Subsection 10-9a-509.5(2).

1942 Section 28. Section ~~17-27a-525~~ is amended to read:

1943 **17-27a-525. Cannabis production establishments and medical cannabis  
1944 pharmacies.**

1945 (1) As used in this section:

1946 (a) "Cannabis production establishment" means the same as that term is defined in  
1947 Section 4-41a-102.

1948 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is  
1949 defined in Section 4-41-102.

1950 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section  
1951 26-61a-102.

1952 (2) (a) (i) A county may not regulate a cannabis production establishment or a medical  
1953 cannabis pharmacy in conflict with:

1954 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and  
 1955 applicable jurisprudence; and

1956 (B) this chapter.

1957 [~~(ii) A county may not regulate a medical cannabis pharmacy in conflict with:~~]

1958 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~  
 1959 ~~and]~~

1960 [~~(B) this chapter.]~~

1961 [~~(iii)~~] (ii) A county may not regulate an industrial hemp producer licensee in conflict  
 1962 with:

1963 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

1964 (B) this chapter.

1965 (b) The Department of Agriculture and Food has plenary authority to license programs  
 1966 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

1967 [~~(c) The Department of Health has plenary authority to license programs or entities that~~  
 1968 ~~operate a medical cannabis pharmacy.]~~

1969 (3) (a) Within the time period described in Subsection (3)(b), a county shall prepare  
 1970 and adopt a land use regulation, development agreement, or land use decision in accordance  
 1971 with this title and:

1972 (i) regarding a cannabis production establishment, Section 4-41a-406; or

1973 (ii) regarding a medical cannabis pharmacy, Section [~~26-61a-507~~] 4-41a-110.

1974 (b) A county shall take the action described in Subsection (3)(a):

1975 (i) before January 1, 2021, within 45 days after the day on which the county receives a  
 1976 petition for the action; and

1977 (ii) after January 1, 2021, in accordance with Subsection 17-27a-509.5(2).

1978 Section 29. Section ~~26-61a-102~~ is amended to read:

1979 **26-61a-102. Definitions.**

1980 As used in this chapter:

1981 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and  
 1982 tetrahydrocannabinolic acid.

1983 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
 1984 Section 26-61a-117.



- 1985            ~~[(2)]~~ (3) "Cannabis Research Review Board" means the Cannabis Research Review  
1986 Board created in Section 26-61-201.
- 1987            ~~[(3)]~~ (4) "Cannabis" means marijuana.
- 1988            ~~[(4)]~~ (5) "Cannabis cultivation facility" means the same as that term is defined in  
1989 Section 4-41a-102.
- 1990            ~~[(5)]~~ (6) "Cannabis processing facility" means the same as that term is defined in  
1991 Section 4-41a-102.
- 1992            ~~[(6)]~~ (7) "Cannabis product" means a product that:  
1993            (a) is intended for human use; and  
1994            (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total  
1995 concentration of 0.3% or greater on a dry weight basis.
- 1996            ~~[(7)]~~ (8) "Cannabis production establishment" means the same as that term is defined  
1997 in Section 4-41a-102.
- 1998            ~~[(8)]~~ (9) "Cannabis production establishment agent" means the same as that term is  
1999 defined in Section 4-41a-102.
- 2000            ~~[(9)]~~ (10) "Cannabis production establishment agent registration card" means the same  
2001 as that term is defined in Section 4-41a-102.
- 2002            ~~[(10)]~~ (11) "Community location" means a public or private elementary or secondary  
2003 school, a church, a public library, a public playground, or a public park.
- 2004            ~~[(11)]~~ (12) "Conditional medical cannabis card" means an electronic medical cannabis  
2005 card that the department issues in accordance with Subsection 26-61a-201(1)(b) to allow an  
2006 applicant for a medical cannabis card to access medical cannabis during the department's  
2007 review of the application.
- 2008            ~~[(12)]~~ (13) "Controlled substance database" means the controlled substance database  
2009 created in Section 58-37f-201.
- 2010            ~~[(13)]~~ (14) "Department" means the Department of Health and Human Services.
- 2011            ~~[(14)]~~ (15) "Designated caregiver" means:  
2012            (a) an individual:  
2013            (i) whom an individual with a medical cannabis patient card or a medical cannabis  
2014 guardian card designates as the patient's caregiver; and  
2015            (ii) who registers with the department under Section 26-61a-202; or

2016 (b) (i) a facility that an individual designates as a designated caregiver in accordance  
2017 with Subsection 26-61a-202(1)(b); or

2018 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

2019 ~~[(15)]~~ (16) "Directions of use" means recommended routes of administration for a  
2020 medical cannabis treatment and suggested usage guidelines.

2021 ~~[(16)]~~ (17) "Dosing guidelines" means a quantity range and frequency of administration  
2022 for a recommended treatment of medical cannabis.

2023 ~~[(17)]~~ (18) "Financial institution" means a bank, trust company, savings institution, or  
2024 credit union, chartered and supervised under state or federal law.

2025 ~~[(18)]~~ (19) "Home delivery medical cannabis pharmacy" means a medical cannabis  
2026 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical  
2027 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders  
2028 that the state central patient portal facilitates.

2029 ~~[(19)]~~ (20) "Inventory control system" means the system described in Section  
2030 4-41a-103.

2031 ~~[(20)]~~ (21) "Legal dosage limit" means an amount that:

2032 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the  
2033 relevant recommending medical provider or the state central patient portal or pharmacy  
2034 medical provider, in accordance with Subsection ~~[26-61a-502(4)]~~ 26-61a-404(5) or ~~[(5)]~~ (6),  
2035 recommends; and

2036 (b) may not exceed:

2037 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

2038 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,  
2039 greater than 20 grams of active tetrahydrocannabinol.

2040 ~~[(21)]~~ (22) "Legal use termination date" means a date on the label of a container of  
2041 unprocessed cannabis flower:

2042 (a) that is 60 days after the date of purchase of the cannabis; and

2043 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the  
2044 primary residence of the relevant medical cannabis patient cardholder.

2045 ~~[(22)]~~ (23) "Limited medical provider" means an individual who:

2046 (a) meets the recommending qualifications; and

2047 (b) has no more than 15 patients with a valid medical cannabis patient card or  
 2048 provisional patient card as a result of the individual's recommendation, in accordance with  
 2049 Subsection 26-61a-106(1)(b).

2050 ~~[(23)]~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.

2051 ~~[(24)]~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a  
 2052 cannabis product in a medicinal dosage form.

2053 ~~[(25)]~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical  
 2054 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis  
 2055 card.

2056 ~~[(26)]~~ (27) "Medical cannabis cardholder" means:

2057 (a) a holder of a medical cannabis card; or

2058 (b) a facility or assigned employee, described in Subsection~~[(14)(b);]~~ (15)(b), only:

2059 (i) within the scope of the facility's or assigned employee's performance of the role of a  
 2060 medical cannabis patient cardholder's caregiver designation under Subsection  
 2061 26-61a-202(1)(b); and

2062 (ii) while in possession of documentation that establishes:

2063 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);

2064 (B) the identity of the individual presenting the documentation; and

2065 (C) the relation of the individual presenting the documentation to the caregiver  
 2066 designation.

2067 ~~[(27)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a  
 2068 cardholder may print or store on an electronic device or a physical card or document that:

2069 (a) the department issues to an individual whom a medical cannabis patient cardholder  
 2070 or a medical cannabis guardian cardholder designates as a designated caregiver; and

2071 (b) is connected to the electronic verification system.

2072 ~~[(28)]~~ (29) "Medical cannabis courier" means ~~[a courier that:]~~ the same as that term is  
 2073 defined in Section 4-41a-102.

2074 ~~[(a) the department licenses in accordance with Section 26-61a-604; and]~~

2075 ~~[(b) contracts with a home delivery medical cannabis pharmacy to deliver medical~~  
 2076 ~~cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.]~~

2077 ~~[(29)]~~ (30) "Medical cannabis courier agent" means ~~[an individual who:]~~ the same as

2078 that term is defined in Section 4-41a-102.

2079 [~~(a) is an employee of a medical cannabis courier; and]~~

2080 [~~(b) who holds a valid medical cannabis courier agent registration card.]~~

2081 [~~(30)~~] (31) (a) "Medical cannabis device" means a device that an individual uses to  
2082 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal  
2083 dosage form.

2084 (b) "Medical cannabis device" does not include a device that:

2085 (i) facilitates cannabis combustion; or

2086 (ii) an individual uses to ingest substances other than cannabis.

2087 [~~(31)~~] (32) "Medical cannabis guardian card" means an electronic document that a  
2088 cardholder may print or store on an electronic device or a physical card or document that:

2089 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
2090 condition; and

2091 (b) is connected to the electronic verification system.

2092 [~~(32)~~] (33) "Medical cannabis patient card" means an electronic document that a  
2093 cardholder may print or store on an electronic device or a physical card or document that:

2094 (a) the department issues to an individual with a qualifying condition; and

2095 (b) is connected to the electronic verification system.

2096 [~~(33)~~] (34) "Medical cannabis pharmacy" means a person that:

2097 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a  
2098 medicinal dosage form from a cannabis processing facility or another medical cannabis  
2099 pharmacy or a medical cannabis device; or

2100 (ii) possesses medical cannabis or a medical cannabis device; and

2101 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical  
2102 cannabis cardholder.

2103 [~~(34)~~] (35) "Medical cannabis pharmacy agent" means an individual who:

2104 (a) is an employee of a medical cannabis pharmacy; and

2105 (b) who holds a valid medical cannabis pharmacy agent registration card.

2106 [~~(35)~~] (36) "Medical cannabis pharmacy agent registration card" means a registration  
2107 card issued by the department that authorizes an individual to act as a medical cannabis  
2108 pharmacy agent.

2109           ~~[(36)]~~ (37) "Medical cannabis shipment" means ~~[a shipment of medical cannabis or a~~  
2110 ~~medical cannabis product that a home delivery medical cannabis pharmacy or a medical~~  
2111 ~~cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an~~  
2112 ~~electronic medical cannabis order that the state central patient portal facilitates]~~ the same as  
2113 that term is defined in Section 4-41a-102.

2114           ~~[(37)]~~ (38) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a  
2115 cannabis product in a medicinal dosage form, or a medical cannabis device.

2116           ~~[(38)]~~ (39) (a) "Medicinal dosage form" means:

2117           (i) for processed medical cannabis or a medical cannabis product, the following with a  
2118 specific and consistent cannabinoid content:

2119           (A) a tablet;

2120           (B) a capsule;

2121           (C) a concentrated liquid or viscous oil;

2122           (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

2123           (E) a topical preparation;

2124           (F) a transdermal preparation;

2125           (G) a sublingual preparation;

2126           (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
2127 rectangular cuboid shape;

2128           (I) a resin or wax; or

2129           (J) an aerosol; or

2130           (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

2131           (A) contains cannabis flowers in a quantity that varies by no more than 10% from the  
2132 stated weight at the time of packaging;

2133           (B) at any time the medical cannabis cardholder transports or possesses the container in  
2134 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;  
2135 and

2136           (C) is labeled with the container's content and weight, the date of purchase, the legal  
2137 use termination date, and after December 31, 2020, a barcode that provides information  
2138 connected to an inventory control system~~[-and]~~ .

2139           ~~[(iii) a form measured in grams, milligrams, or milliliters.]~~

2140 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

2141 (i) the medical cannabis cardholder has recently removed from the container described

2142 in Subsection [~~(38)~~] (39)(a)(ii) for use; and

2143 (ii) does not exceed the quantity described in Subsection [~~(38)~~] (39)(a)(ii).

2144 (c) "Medicinal dosage form" does not include:

2145 (i) any unprocessed cannabis flower outside of the container described in Subsection

2146 [~~(38)~~] (39)(a)(ii), except as provided in Subsection [~~(38)(b);~~] (39)(b);

2147 (ii) [~~any~~] unprocessed cannabis flower in a container described in Subsection [~~(38)~~]

2148 (39)(a)(ii) after the legal use termination date;

2149 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis

2150 on a nail or other metal object that is heated by a flame, including a blowtorch; [~~or~~]

2151 (iv) a liquid suspension that is branded as a beverage[~~;~~]; or

2152 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not

2153 measured in grams, milligrams, or milliliters.

2154 [~~(39)~~] (40) "Nonresident patient" means an individual who:

2155 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

2156 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis

2157 card under the laws of another state, district, territory, commonwealth, or insular possession of

2158 the United States; and

2159 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.

2160 [~~(40)~~] (41) "Payment provider" means an entity that contracts with a cannabis

2161 production establishment or medical cannabis pharmacy to facilitate transfers of funds between

2162 the establishment or pharmacy and other businesses or individuals.

2163 [~~(41)~~] (42) "Pharmacy medical provider" means the medical provider required to be on

2164 site at a medical cannabis pharmacy under Section 26-61a-403.

2165 [~~(42)~~] (43) "Provisional patient card" means a card that:

2166 (a) the department issues to a minor with a qualifying condition for whom:

2167 (i) a recommending medical provider has recommended a medical cannabis treatment;

2168 and

2169 (ii) the department issues a medical cannabis guardian card to the minor's parent or

2170 legal guardian; and

2171 (b) is connected to the electronic verification system.

2172 [~~(43)~~] (44) "Qualified medical provider" means an individual:

2173 (a) who meets the recommending qualifications; and

2174 (b) whom the department registers to recommend treatment with cannabis in a

2175 medicinal dosage form under Section 26-61a-106.

2176 [~~(44)~~] (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in

2177 Section 26-61a-109.

2178 [~~(45)~~] (46) "Qualifying condition" means a condition described in Section 26-61a-104.

2179 [~~(46)~~] (47) "Recommend" or "recommendation" means, for a recommending medical

2180 provider, the act of suggesting the use of medical cannabis treatment, which:

2181 (a) certifies the patient's eligibility for a medical cannabis card; and

2182 (b) may include, at the recommending medical provider's discretion, directions of use,

2183 with or without dosing guidelines.

2184 [~~(47)~~] (48) "Recommending medical provider" means a qualified medical provider or a

2185 limited medical provider.

2186 [~~(48)~~] (49) "Recommending qualifications" means that an individual:

2187 (a) (i) has the authority to write a prescription;

2188 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

2189 Controlled Substances Act; and

2190 (iii) possesses the authority, in accordance with the individual's scope of practice, to

2191 prescribe a Schedule II controlled substance; and

2192 (b) is licensed as:

2193 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2194 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice

2195 Act;

2196 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,

2197 Chapter 68, Utah Osteopathic Medical Practice Act; or

2198 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

2199 [~~(49)~~] (50) "State central patient portal" means the website the department creates, in

2200 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic

2201 medical cannabis order.

2202           ~~[(50)]~~ (51) "State central patient portal medical provider" means a physician or  
2203 pharmacist that the department employs in relation to the state central patient portal to consult  
2204 with medical cannabis cardholders in accordance with Section 26-61a-602.

2205           ~~[(51)]~~ (52) "State electronic verification system" means the system described in Section  
2206 26-61a-103.

2207           ~~[(52)]~~ (53) "Tetrahydrocannabinol" or "THC" means a substance derived from  
2208 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

2209           ~~[(53)]~~ (54) "THC analog" means the same as that term is defined in Section 4-41-102.

2210           ~~[(54)]~~ (55) "Valid form of photo identification" means any of the following forms of  
2211 identification that is either current or has expired within the previous six months:

2212           (a) a valid state-issued driver license or identification card;

2213           (b) a valid United States federal-issued photo identification, including:

2214           (i) a United States passport;

2215           (ii) a United States passport card;

2216           (iii) a United States military identification card; or

2217           (iv) a permanent resident card or alien registration receipt card; or

2218           (c) a passport that another country issued.

2219           Section 30. Section **26-61a-103** is amended to read:

2220           **26-61a-103. Electronic verification system.**

2221           (1) The Department of Agriculture and Food, the department, the Department of Public  
2222 Safety, and the Division of Technology Services shall:

2223           (a) enter into a memorandum of understanding in order to determine the function and  
2224 operation of the state electronic verification system in accordance with Subsection (2);

2225           (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
2226 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
2227 maintain the state electronic verification system in coordination with the Division of  
2228 Technology Services; and

2229           (c) select a third-party provider who:

2230           (i) meets the requirements contained in the request for proposals issued under  
2231 Subsection (1)(b); and

2232           (ii) may not have any commercial or ownership interest in a cannabis production



2233 establishment or a medical cannabis pharmacy.

2234 (2) The Department of Agriculture and Food, the department, the Department of Public  
2235 Safety, and the Division of Technology Services shall ensure that~~[, on or before March 1,~~  
2236 ~~2020,]~~ the state electronic verification system described in Subsection (1):

2237 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a  
2238 medical cannabis guardian card, provided that the card may not become active until:

2239 (i) the relevant qualified medical provider completes the associated medical cannabis  
2240 recommendation; or

2241 (ii) for a medical cannabis card related to a limited medical provider's  
2242 recommendation, the medical cannabis pharmacy completes the recording described in  
2243 Subsection (2)(d);

2244 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
2245 cannabis guardian card in accordance with Section 26-61a-201;

2246 (c) allows a qualified medical provider, or an employee described in Subsection (3)  
2247 acting on behalf of the qualified medical provider, to:

2248 (i) access dispensing and card status information regarding a patient:

2249 (A) with whom the qualified medical provider has a provider-patient relationship; and

2250 (B) for whom the qualified medical provider has recommended or is considering  
2251 recommending a medical cannabis card;

2252 (ii) electronically recommend, after an initial face-to-face visit with a patient described  
2253 in Subsection 26-61a-201(4)(a)(iii), treatment with cannabis in a medicinal dosage form or a  
2254 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and

2255 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
2256 medical cannabis guardian cardholder:

2257 (A) using telehealth services, for the qualified medical provider who originally  
2258 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

2259 (B) during a face-to-face visit with the patient, for a qualified medical provider who  
2260 did not originally recommend the medical cannabis treatment during a face-to-face visit[:]

2261 (d) ~~[beginning on the earlier of September 1, 2021, or the date on which the electronic~~  
2262 ~~verification system is functionally capable of facility medical cannabis pharmacy recording,]~~

2263 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in

2264 accordance with Subsection [~~26-61a-501(10)(a)~~, 4-41a-1101(10)(a)], to:

2265 (i) access the electronic verification system to review the history within the system of a  
2266 patient with whom the provider or agent is interacting, limited to read-only access for medical  
2267 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge  
2268 authorizes add and edit access;

2269 (ii) record a patient's recommendation from a limited medical provider, including any  
2270 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;  
2271 and

2272 (iii) record a limited medical provider's renewal of the provider's previous  
2273 recommendation;

2274 (e) connects with:

2275 (i) an inventory control system that a medical cannabis pharmacy uses to track in real  
2276 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a  
2277 medicinal dosage form, or a medical cannabis device, including:

2278 (A) the time and date of each purchase;

2279 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device  
2280 purchased;

2281 (C) any cannabis production establishment, any medical cannabis pharmacy, or any  
2282 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis  
2283 device; and

2284 (D) the personally identifiable information of the medical cannabis cardholder who  
2285 made the purchase; and

2286 (ii) any commercially available inventory control system that a cannabis production  
2287 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of  
2288 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
2289 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
2290 track and confirm compliance;

2291 (f) provides access to:

2292 (i) the department to the extent necessary to carry out the department's functions and  
2293 responsibilities under this chapter;

2294 (ii) the Department of Agriculture and Food to the extent necessary to carry out the

2295 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
2296 41a, Cannabis Production Establishments; and

2297 (iii) the Division of Professional Licensing to the extent necessary to carry out the  
2298 functions and responsibilities related to the participation of the following in the  
2299 recommendation and dispensing of medical cannabis:

2300 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2301 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

2302 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2303 Practice Act;

2304 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2305 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

2306 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant  
2307 Act;

2308 (g) provides access to and interaction with the state central patient portal;

2309 (h) communicates dispensing information from a record that a medical cannabis  
2310 pharmacy submits to the state electronic verification system under Subsection

2311 ~~[26-61a-502(6)(a)(ii)]~~ 4-41a-1102(3)(a)(ii) to the controlled substance database;

2312 (i) provides access to state or local law enforcement:

2313 (i) during a law enforcement encounter, without a warrant, using the individual's driver  
2314 license or state ID, only for the purpose of determining if the individual subject to the law  
2315 enforcement encounter has a valid medical cannabis card; or

2316 (ii) after obtaining a warrant; and

2317 (j) creates a record each time a person accesses the system that identifies the person  
2318 who accesses the system and the individual whose records the person accesses.

2319 (3) (a) ~~[Beginning on the earlier of September 1, 2021, or the date on which the~~  
2320 ~~electronic verification system is functionally capable of allowing employee access under this~~  
2321 ~~Subsection (3), an] An employee of a qualified medical provider may access the electronic~~  
2322 ~~verification system for a purpose described in Subsection (2)(c) on behalf of the qualified~~  
2323 ~~medical provider if:~~

2324 (i) the qualified medical provider has designated the employee as an individual  
2325 authorized to access the electronic verification system on behalf of the qualified medical

- 2326 provider;
- 2327 (ii) the qualified medical provider provides written notice to the department of the  
2328 employee's identity and the designation described in Subsection (3)(a)(i); and
- 2329 (iii) the department grants to the employee access to the electronic verification system.
- 2330 (b) An employee of a business that employs a qualified medical provider may access  
2331 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the  
2332 qualified medical provider if:
- 2333 (i) the qualified medical provider has designated the employee as an individual  
2334 authorized to access the electronic verification system on behalf of the qualified medical  
2335 provider;
- 2336 (ii) the qualified medical provider and the employing business jointly provide written  
2337 notice to the department of the employee's identity and the designation described in Subsection  
2338 (3)(b)(i); and
- 2339 (iii) the department grants to the employee access to the electronic verification system.
- 2340 (4) (a) As used in this Subsection (4), "prescribing provider" means:
- 2341 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
2342 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2343 Practice Act;
- 2344 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2345 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 2346 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
2347 Assistant Act.
- 2348 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic  
2349 verification system is functionally capable of allowing provider access under this Subsection  
2350 (4), a prescribing provider may access information in the electronic verification system  
2351 regarding a patient the prescribing provider treats.
- 2352 (5) The department may release limited data that the system collects for the purpose of:
- 2353 (a) conducting medical and other department approved research;  
2354 (b) providing the report required by Section 26-61a-703; and  
2355 (c) other official department purposes.
- 2356 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

2357 Administrative Rulemaking Act, to establish:

2358 (a) the limitations on access to the data in the state electronic verification system as  
2359 described in this section; and

2360 (b) standards and procedures to ensure accurate identification of an individual  
2361 requesting information or receiving information in this section.

2362 (7) (a) Any person who knowingly and intentionally releases any information in the  
2363 state electronic verification system in violation of this section is guilty of a third degree felony.

2364 (b) Any person who negligently or recklessly releases any information in the state  
2365 electronic verification system in violation of this section is guilty of a class C misdemeanor.

2366 (8) (a) Any person who obtains or attempts to obtain information from the state  
2367 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

2368 (b) Any person who obtains or attempts to obtain information from the state electronic  
2369 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
2370 degree felony.

2371 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and  
2372 intentionally use, release, publish, or otherwise make available to any other person information  
2373 obtained from the state electronic verification system for any purpose other than a purpose  
2374 specified in this section.

2375 (b) Each separate violation of this Subsection (9) is:

2376 (i) a third degree felony; and

2377 (ii) subject to a civil penalty not to exceed \$5,000.

2378 (c) The department shall determine a civil violation of this Subsection (9) in  
2379 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2380 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the  
2381 General Fund.

2382 (e) This Subsection (9) does not prohibit a person who obtains information from the  
2383 state electronic verification system under Subsection (2)(a), (c), or (f) from:

2384 (i) including the information in the person's medical chart or file for access by a person  
2385 authorized to review the medical chart or file;

2386 (ii) providing the information to a person in accordance with the requirements of the  
2387 Health Insurance Portability and Accountability Act of 1996; or

2388 (iii) discussing or sharing that information about the patient with the patient.  
2389 Section 31. Section **26-61a-105** is amended to read:  
2390 **26-61a-105. Compassionate Use Board.**  
2391 (1) (a) The department shall establish a Compassionate Use Board consisting of:  
2392 (i) seven qualified medical providers that the executive director appoints and the  
2393 Senate confirms:  
2394 (A) who are knowledgeable about the medicinal use of cannabis;  
2395 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,  
2396 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and  
2397 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine  
2398 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,  
2399 pediatrics, or gastroenterology; and  
2400 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the  
2401 executive director or the director's designee.  
2402 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),  
2403 the executive director shall ensure that at least two have a board certification in pediatrics.  
2404 (2) (a) Of the members of the Compassionate Use Board that the executive director  
2405 first appoints:  
2406 (i) three shall serve an initial term of two years; and  
2407 (ii) the remaining members shall serve an initial term of four years.  
2408 (b) After an initial term described in Subsection (2)(a) expires:  
2409 (i) each term is four years; and  
2410 (ii) each board member is eligible for reappointment.  
2411 (c) A member of the Compassionate Use Board may serve until a successor is  
2412 appointed.  
2413 (3) Four members constitute a quorum of the Compassionate Use Board.  
2414 (4) A member of the Compassionate Use Board may receive:  
2415 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's  
2416 service; and  
2417 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the  
2418 Division of Finance in accordance with Section 63A-3-107.

- 2419 (5) The Compassionate Use Board shall:
- 2420 (a) review and recommend for department approval a petition to the board regarding an
- 2421 individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection
- 2422 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
- 2423 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
- 2424 period of validity, if:
- 2425 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
- 2426 the individual's qualified medical provider is actively treating the individual for an intractable
- 2427 condition that:
- 2428 (A) substantially impairs the individual's quality of life; and
- 2429 (B) has not, in the qualified medical provider's professional opinion, adequately
- 2430 responded to conventional treatments;
- 2431 (ii) the qualified medical provider:
- 2432 (A) recommends that the individual or minor be allowed to use medical cannabis; and
- 2433 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
- 2434 describing relevant treatment history including rationale for considering the use of medical
- 2435 cannabis; and
- 2436 (iii) the Compassionate Use Board determines that:
- 2437 (A) the recommendation of the individual's qualified medical provider is justified; and
- 2438 (B) based on available information, it may be in the best interests of the individual to
- 2439 allow the use of medical cannabis;
- 2440 (b) review and approve or deny the use of a medical cannabis device for an individual
- 2441 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection
- 2442 26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the
- 2443 individual or minor be allowed to use a medical cannabis device to vaporize the medical
- 2444 cannabis treatment;
- 2445 (c) unless no petitions are pending:
- 2446 (i) meet to receive or review compassionate use petitions at least quarterly; and
- 2447 (ii) if there are more petitions than the board can receive or review during the board's
- 2448 regular schedule, as often as necessary;
- 2449 (d) except as provided in Subsection (6), complete a review of each petition and

2450 recommend to the department approval or denial of the applicant for qualification for a medical  
2451 cannabis card within 90 days after the day on which the board received the petition;

2452 (e) consult with the department regarding the criteria described in Subsection (6); and

2453 (f) report, before November 1 of each year, to the Health and Human Services Interim

2454 Committee:

2455 (i) the number of compassionate use recommendations the board issued during the past  
2456 year; and

2457 (ii) the types of conditions for which the board recommended compassionate use.

2458 (6) The department shall make rules, in consultation with the Compassionate Use  
2459 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
2460 establish a process and criteria for a petition to the board to automatically qualify for expedited  
2461 final review and approval or denial by the department in cases where, in the determination of  
2462 the department and the board:

2463 (a) time is of the essence;

2464 (b) engaging the full review process would be unreasonable in light of the petitioner's  
2465 physical condition; and

2466 (c) sufficient factors are present regarding the petitioner's safety.

2467 (7) (a) (i) The department shall review:

2468 (A) any compassionate use for which the Compassionate Use Board recommends  
2469 approval under Subsection (5)(d) to determine whether the board properly exercised the board's  
2470 discretion under this section; and

2471 (B) any expedited petitions the department receives under the process described in  
2472 Subsection (6).

2473 (ii) If the department determines that the Compassionate Use Board properly exercised  
2474 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited  
2475 petition merits approval based on the criteria established in accordance with Subsection (6), the  
2476 department shall:

2477 (A) issue the relevant medical cannabis card; and

2478 (B) provide for the renewal of the medical cannabis card in accordance with the  
2479 recommendation of the qualified medical provider described in Subsection (5)(a).

2480 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),



2481 the individual seeking to obtain a medical cannabis card may petition the department to review  
2482 the board's decision.

2483 (ii) If the department determines that the Compassionate Use Board's recommendation  
2484 for denial under Subsection (5)(d) was arbitrary or capricious:

2485 (A) the department shall notify the Compassionate Use Board of the department's  
2486 determination; and

2487 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend  
2488 approval under this section.

2489 (c) In reviewing the Compassionate Use Board's recommendation for approval or  
2490 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall  
2491 presume the board properly exercised the board's discretion unless the department determines  
2492 that the board's recommendation was arbitrary or capricious.

2493 (8) Any individually identifiable health information contained in a petition that the  
2494 Compassionate Use Board or department receives under this section is a protected record in  
2495 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

2496 (9) The Compassionate Use Board shall annually report the board's activity to the  
2497 Cannabis Research Review Board and the advisory board.

2498 Section 32. Section **26-61a-106** is amended to read:

2499 **26-61a-106. Qualified medical provider registration -- Continuing education --**  
2500 **Treatment recommendation -- Limited medical provider.**

2501 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a  
2502 medical cannabis treatment unless the department registers the individual as a qualified  
2503 medical provider in accordance with this section.

2504 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist  
2505 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a  
2506 medical cannabis treatment except within the course and scope of a practice of podiatry, as that  
2507 term is defined in Section 58-5a-102.

2508 (b) Beginning on the earlier of September 1, 2021, or the date on which the department  
2509 gives notice that the electronic verification system is functionally capable as described in  
2510 Subsection 26-61a-103(2)(d), an individual who meets the recommending qualifications may  
2511 recommend a medical cannabis treatment as a limited medical provider without registering

2512 under Subsection (1)(a) if:

2513 (i) the individual recommends the use of medical cannabis to the patient through an  
2514 order described in Subsection (1)(c) after:

2515 (A) a face-to-face visit for an initial recommendation or the renewal of a  
2516 recommendation for a patient for whom the limited medical provider did not make the patient's  
2517 original recommendation; or

2518 (B) a visit using telehealth services for a renewal of a recommendation for a patient for  
2519 whom the limited medical provider made the patient's original recommendation; and

2520 (ii) the individual's recommendation or renewal would not cause the total number of  
2521 the individual's patients who have a valid medical cannabis patient card or provisional patient  
2522 card resulting from the individual's recommendation to exceed 15.

2523 (c) The individual described in Subsection (1)(b) shall communicate the individual's  
2524 recommendation through an order for the medical cannabis pharmacy to record the individual's  
2525 recommendation or renewal in the state electronic verification system under the individual's  
2526 recommendation that:

2527 (i) (A) that the individual or the individual's employee sends electronically to a medical  
2528 cannabis pharmacy; or

2529 (B) that the individual gives to the patient in writing for the patient to deliver to a  
2530 medical cannabis pharmacy; and

2531 (ii) may include:

2532 (A) directions of use or dosing guidelines; and

2533 (B) an indication of a need for a caregiver in accordance with Subsection  
2534 26-61a-201(3)(c).

2535 (d) If the limited medical provider gives the patient a written recommendation to  
2536 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical  
2537 provider shall ensure that the document includes all of the information that is included on a  
2538 prescription the provider would issue for a controlled substance, including:

2539 (i) the date of issuance;

2540 (ii) the provider's name, address and contact information, controlled substance license  
2541 information, and signature; and

2542 (iii) the patient's name, address and contact information, age, and diagnosed qualifying

2543 condition.

2544 (e) In considering making a recommendation as a limited medical provider, an  
2545 individual may consult information that the department makes available on the department's  
2546 website for recommending providers.

2547 (2) (a) The department shall, within 15 days after the day on which the department  
2548 receives an application from an individual, register and issue a qualified medical provider  
2549 registration card to the individual if the individual:

2550 (i) provides to the department the individual's name and address;

2551 (ii) provides to the department a report detailing the individual's completion of the  
2552 applicable continuing education requirement described in Subsection (3);

2553 (iii) provides to the department evidence that the individual meets the recommending  
2554 qualifications;

2555 (iv) for an applicant on or after November 1, 2021, provides to the department the  
2556 information described in Subsection (10)(a); and

2557 (v) pays the department a fee in an amount that:

2558 (A) the department sets, in accordance with Section 63J-1-504; and

2559 (B) does not exceed \$300 for an initial registration.

2560 (b) The department may not register an individual as a qualified medical provider if the  
2561 individual is:

2562 (i) a pharmacy medical provider; or

2563 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
2564 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

2565 (3) (a) An individual shall complete the continuing education described in this  
2566 Subsection (3) in the following amounts:

2567 (i) for an individual as a condition precedent to registration, four hours; and

2568 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
2569 every two years.

2570 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

2571 (i) complete continuing education:

2572 (A) regarding the topics described in Subsection (3)(d); and

2573 (B) offered by the department under Subsection (3)(c) or an accredited or approved

2574 continuing education provider that the department recognizes as offering continuing education  
2575 appropriate for the recommendation of cannabis to patients; and

2576 (ii) make a continuing education report to the department in accordance with a process  
2577 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
2578 Administrative Rulemaking Act, and in collaboration with the Division of Professional  
2579 Licensing and:

2580 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing  
2581 Act, the Podiatric Physician Board;

2582 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
2583 Nurse Practice Act, the Board of Nursing;

2584 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical  
2585 Practice Act, the Physicians Licensing Board;

2586 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah  
2587 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;  
2588 and

2589 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
2590 Assistant Act, the Physician Assistant Licensing Board.

2591 (c) The department may, in consultation with the Division of Professional Licensing,  
2592 develop the continuing education described in this Subsection (3).

2593 (d) The continuing education described in this Subsection (3) may discuss:

2594 (i) the provisions of this chapter;

2595 (ii) general information about medical cannabis under federal and state law;

2596 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
2597 including risks and benefits;

2598 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2599 patient in pain management, risk management, potential addiction, or palliative care; and

2600 (v) best practices for recommending the form and dosage of medical cannabis products  
2601 based on the qualifying condition underlying a medical cannabis recommendation.

2602 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not  
2603 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's  
2604 patients at the same time, as determined by the number of medical cannabis cards under the

2605 qualified medical provider's name in the state electronic verification system.

2606 (b) A qualified medical provider may recommend a medical cannabis treatment to up  
2607 to 600 of the qualified medical provider's patients at any given time, as determined by the  
2608 number of medical cannabis cards under the qualified medical provider's name in the state  
2609 electronic verification system, if:

2610 (i) the appropriate American medical board has certified the qualified medical provider  
2611 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and  
2612 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or  
2613 psychiatry; or

2614 (ii) a licensed business employs or contracts with the qualified medical provider for the  
2615 specific purpose of providing hospice and palliative care.

2616 (5) A recommending medical provider may recommend medical cannabis to an  
2617 individual under this chapter only in the course of a provider-patient relationship after the  
2618 recommending medical provider has completed and documented in the patient's medical record  
2619 a thorough assessment of the patient's condition and medical history based on the appropriate  
2620 standard of care for the patient's condition.

2621 (6) (a) Except as provided in Subsection (6)(b), [~~an individual~~] a person may not  
2622 advertise that the [~~individual~~] person or the person's employee recommends a medical cannabis  
2623 treatment.

2624 (b) Notwithstanding Subsection (6)(a) and [~~subject to~~] Section [~~26-61a-116~~]  
2625 4-41a-109, a qualified medical provider or clinic or office that employs a qualified medical  
2626 provider may advertise the following:

2627 (i) a green cross;

2628 (ii) the provider's or clinic's name and logo;

2629 (iii) a qualifying condition that the individual treats;

2630 (iv) that the individual is registered as a qualified medical provider and recommends  
2631 medical cannabis; or

2632 (v) a scientific study regarding medical cannabis use.

2633 (7) (a) A qualified medical provider registration card expires two years after the day on  
2634 which the department issues the card.

2635 (b) The department shall renew a qualified medical provider's registration card if the

- 2636 provider:
- 2637 (i) applies for renewal;
- 2638 (ii) is eligible for a qualified medical provider registration card under this section,  
2639 including maintaining an unrestricted license under the recommending qualifications;
- 2640 (iii) certifies to the department in a renewal application that the information in  
2641 Subsection (2)(a) is accurate or updates the information;
- 2642 (iv) submits a report detailing the completion of the continuing education requirement  
2643 described in Subsection (3); and
- 2644 (v) pays the department a fee in an amount that:
- 2645 (A) the department sets, in accordance with Section 63J-1-504; and
- 2646 (B) does not exceed \$50 for a registration renewal.
- 2647 (8) The department may revoke the registration of a qualified medical provider who  
2648 fails to maintain compliance with the requirements of this section.
- 2649 (9) A recommending medical provider may not receive any compensation or benefit for  
2650 the qualified medical provider's medical cannabis treatment recommendation from:
- 2651 (a) a cannabis production establishment or an owner, officer, director, board member,  
2652 employee, or agent of a cannabis production establishment;
- 2653 (b) a medical cannabis pharmacy or an owner, officer, director, board member,  
2654 employee, or agent of a medical cannabis pharmacy; or
- 2655 (c) a recommending medical provider or pharmacy medical provider.
- 2656 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to  
2657 the department, in a manner designated by the department:
- 2658 (i) if applicable, that the qualified medical provider or the entity that employs the  
2659 qualified medical provider represents online or on printed material that the qualified medical  
2660 provider is a qualified medical provider or offers medical cannabis recommendations to  
2661 patients; and
- 2662 (ii) the fee amount that the qualified medical provider or the entity that employs the  
2663 qualified medical provider charges a patient for a medical cannabis recommendation, either as  
2664 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.
- 2665 (b) The department shall:
- 2666 (i) ensure that the following information related to qualified medical providers and

2667 entities described in Subsection (10)(a)(i) is available on the department's website or on the  
2668 health care price transparency tool under Subsection (10)(b)(ii):

2669 (A) the name of the qualified medical provider and, if applicable, the name of the  
2670 entity that employs the qualified medical provider;

2671 (B) the address of the qualified medical provider's office or, if applicable, the entity  
2672 that employs the qualified medical provider; and

2673 (C) the fee amount described in Subsection (10)(a)(ii); and

2674 (ii) share data collected under this Subsection (10) with the state auditor for use in the  
2675 health care price transparency tool described in Section 67-3-11.

2676 Section 33. Section **26-61a-109** is amended to read:

2677 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**  
2678 **-- Uniform fee.**

2679 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise  
2680 Fund."

2681 (2) The fund created in this section is funded from:

2682 (a) money the department deposits into the fund under this chapter;

2683 (b) appropriations the Legislature makes to the fund; and

2684 (c) the interest described in Subsection (3).

2685 (3) Interest earned on the fund shall be deposited into the fund.

2686 (4) The department may only use money in the fund to fund the department's  
2687 responsibilities under this chapter.

2688 (5) The department shall set fees authorized under this chapter in amounts that the  
2689 department anticipates are necessary, in total, to cover the department's cost to implement this  
2690 chapter.

2691 (6) The department may impose a uniform fee on each medical cannabis transaction in  
2692 a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets  
2693 in accordance with Section 63J-1-504.

2694 Section 34. Section **26-61a-201** is amended to read:

2695 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**  
2696 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

2697 (1) (a) The department shall, within 15 days after the day on which an individual who

2698 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in  
2699 accordance with this section or Section 26-61a-202:

2700 (i) issue a medical cannabis patient card to an individual described in Subsection  
2701 (2)(a);

2702 (ii) issue a medical cannabis guardian card to an individual described in Subsection  
2703 (2)(b);

2704 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

2705 (iv) issue a medical cannabis caregiver card to an individual described in Subsection  
2706 26-61a-202(4).

2707 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the  
2708 electronic verification system is functionally capable of facilitating a conditional medical  
2709 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical  
2710 provider's medical cannabis recommendation for a patient in the state electronic verification  
2711 system, either by the provider or the provider's employee or by a medical cannabis pharmacy  
2712 medical provider or medical cannabis pharmacy in accordance with Subsection  
2713 ~~[26-61a-501(10)(a)]~~ 4-41a-1101(10)(a), the department shall issue to the patient an electronic  
2714 conditional medical cannabis card, in accordance with this Subsection (1)(b).

2715 (ii) A conditional medical cannabis card is valid for the lesser of:

2716 (A) 60 days; or

2717 (B) the day on which the department completes the department's review and issues a  
2718 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card  
2719 application, or revokes the conditional medical cannabis card under Subsection (8).

2720 (iii) The department may issue a conditional medical cannabis card to an individual  
2721 applying for a medical cannabis patient card for which approval of the Compassionate Use  
2722 Board is not required.

2723 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
2724 obligations under law applicable to a holder of the medical cannabis card for which the  
2725 individual applies and for which the department issues the conditional medical cannabis card.

2726 (2) (a) An individual is eligible for a medical cannabis patient card if:

2727 (i) (A) the individual is at least 21 years old; or

2728 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate



2729 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends  
2730 department approval of the petition;

2731 (ii) the individual is a Utah resident;

2732 (iii) the individual's recommending medical provider recommends treatment with  
2733 medical cannabis in accordance with Subsection (4);

2734 (iv) the individual signs an acknowledgment stating that the individual received the  
2735 information described in Subsection (9); and

2736 (v) the individual pays to the department a fee in an amount that, subject to Subsection  
2737 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2738 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

2739 (A) is at least 18 years old;

2740 (B) is a Utah resident;

2741 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical  
2742 provider recommends a medical cannabis treatment, the individual petitions the Compassionate  
2743 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends  
2744 department approval of the petition;

2745 (D) the individual signs an acknowledgment stating that the individual received the  
2746 information described in Subsection (9);

2747 (E) pays to the department a fee in an amount that, subject to Subsection  
2748 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the  
2749 criminal background check described in Section 26-61a-203; and

2750 (F) the individual has not been convicted of a misdemeanor or felony drug distribution  
2751 offense under either state or federal law, unless the individual completed any imposed sentence  
2752 six months or more before the day on which the individual applies for a medical cannabis  
2753 guardian card.

2754 (ii) The department shall notify the Department of Public Safety of each individual that  
2755 the department registers for a medical cannabis guardian card.

2756 (c) (i) A minor is eligible for a provisional patient card if:

2757 (A) the minor has a qualifying condition;

2758 (B) the minor's qualified medical provider recommends a medical cannabis treatment  
2759 to address the minor's qualifying condition;

2760 (C) one of the minor's parents or legal guardians petitions the Compassionate Use  
2761 Board under Section 26-61a-105, and the Compassionate Use Board recommends department  
2762 approval of the petition; and

2763 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card  
2764 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a  
2765 medical cannabis caregiver card under Section 26-61a-202.

2766 (ii) The department shall automatically issue a provisional patient card to the minor  
2767 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis  
2768 guardian card to the minor's parent or legal guardian.

2769 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic  
2770 verification system is functionally capable of servicing the designation, if the parent or legal  
2771 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a  
2772 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may  
2773 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that  
2774 the minor has adequate and safe access to the recommended medical cannabis treatment.

2775 (3) (a) An individual who is eligible for a medical cannabis card described in  
2776 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the  
2777 department:

2778 (i) through an electronic application connected to the state electronic verification  
2779 system;

2780 (ii) with the recommending medical provider; and

2781 (iii) with information including:

2782 (A) the applicant's name, gender, age, and address;

2783 (B) the number of the applicant's valid form of photo identification;

2784 (C) for a medical cannabis guardian card, the name, gender, and age of the minor  
2785 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;  
2786 and

2787 (D) for a provisional patient card, the name of the minor's parent or legal guardian who  
2788 holds the associated medical cannabis guardian card.

2789 (b) The department shall ensure that a medical cannabis card the department issues  
2790 under this section contains the information described in Subsection (3)(a)(iii).

2791 (c) (i) If a recommending medical provider determines that, because of age, illness, or  
2792 disability, a medical cannabis patient cardholder requires assistance in administering the  
2793 medical cannabis treatment that the recommending medical provider recommends, the  
2794 recommending medical provider may indicate the cardholder's need in the state electronic  
2795 verification system, either directly or, for a limited medical provider, through the order  
2796 described in Subsections 26-61a-106(1)(c) and (d).

2797 (ii) If a recommending medical provider makes the indication described in Subsection  
2798 (3)(c)(i):

2799 (A) the department shall add a label to the relevant medical cannabis patient card  
2800 indicating the cardholder's need for assistance;

2801 (B) any adult who is 18 years old or older and who is physically present with the  
2802 cardholder at the time the cardholder needs to use the recommended medical cannabis  
2803 treatment may handle the medical cannabis treatment and any associated medical cannabis  
2804 device as needed to assist the cardholder in administering the recommended medical cannabis  
2805 treatment; and

2806 (C) an individual of any age who is physically present with the cardholder in the event  
2807 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle  
2808 the medical cannabis treatment and any associated medical cannabis device as needed to assist  
2809 the cardholder in administering the recommended medical cannabis treatment.

2810 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

2811 (A) ingest or inhale medical cannabis;

2812 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside  
2813 of the immediate area where the cardholder is present or with an intent other than to provide  
2814 assistance to the cardholder; or

2815 (C) possess, transport, or handle medical cannabis or a medical cannabis device when  
2816 the cardholder is not in the process of being dosed with medical cannabis.

2817 (4) To recommend a medical cannabis treatment to a patient or to renew a  
2818 recommendation, a recommending medical provider shall:

2819 (a) before recommending or renewing a recommendation for medical cannabis in a  
2820 medicinal dosage form or a cannabis product in a medicinal dosage form:

2821 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal

2822 guardian's valid form of identification described in Subsection (3)(a);  
2823 (ii) review any record related to the patient and, for a minor patient, the patient's parent  
2824 or legal guardian in:  
2825 (A) for a qualified medical provider, the state electronic verification system; and  
2826 (B) the controlled substance database created in Section 58-37f-201; and  
2827 (iii) consider the recommendation in light of the patient's qualifying condition, history  
2828 of substance use or opioid use disorder, and history of medical cannabis and controlled  
2829 substance use during an initial face-to-face visit with the patient; and  
2830 (b) state in the recommending medical provider's recommendation that the patient:  
2831 (i) suffers from a qualifying condition, including the type of qualifying condition; and  
2832 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis  
2833 product in a medicinal dosage form.  
2834 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the  
2835 department issues under this section is valid for the lesser of:  
2836 (i) an amount of time that the recommending medical provider determines; or  
2837 (ii) (A) six months for the first issuance, and, except as provided in Subsection  
2838 (5)(a)(ii)(B), for a renewal; or  
2839 (B) for a renewal, one year if, after at least one year following the issuance of the  
2840 original medical cannabis card, the recommending medical provider determines that the patient  
2841 has been stabilized on the medical cannabis treatment and a one-year renewal period is  
2842 justified.  
2843 (b) (i) A medical cannabis card that the department issues in relation to a terminal  
2844 illness described in Section 26-61a-104 expires after one year.  
2845 (ii) The recommending medical provider may revoke a recommendation that the  
2846 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical  
2847 cannabis cardholder no longer has the terminal illness.  
2848 (c) A medical cannabis card that the department issues in relation to acute pain as  
2849 described in Section 26-61a-104 expires 30 days after the day on which the department first  
2850 issues a conditional or full medical cannabis card.  
2851 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is  
2852 renewable if:

2853 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or  
2854 (b); or

2855 (ii) the cardholder received the medical cannabis card through the recommendation of  
2856 the Compassionate Use Board under Section 26-61a-105.

2857 (b) The recommending medical provider who made the underlying recommendation  
2858 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card  
2859 through phone or video conference with the cardholder, at the recommending medical  
2860 provider's discretion.

2861 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
2862 shall pay to the department a renewal fee in an amount that:

2863 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section  
2864 63J-1-504; and

2865 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in  
2866 comparison to the original application process.

2867 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
2868 patient card renews automatically at the time the minor's parent or legal guardian renews the  
2869 parent or legal guardian's associated medical cannabis guardian card.

2870 (7) (a) A cardholder under this section shall carry the cardholder's valid medical  
2871 cannabis card with the patient's name.

2872 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may  
2873 purchase, in accordance with this chapter and the recommendation underlying the card,  
2874 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a  
2875 medical cannabis device.

2876 (ii) A cardholder under this section may possess or transport, in accordance with this  
2877 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a  
2878 cannabis product in a medicinal dosage form, or a medical cannabis device.

2879 (iii) To address the qualifying condition underlying the medical cannabis treatment  
2880 recommendation:

2881 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use  
2882 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,  
2883 or a medical cannabis device; and

2884 (B) a medical cannabis guardian cardholder may assist the associated provisional  
2885 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis  
2886 product in a medicinal dosage form, or a medical cannabis device.

2887 (8) The department may revoke a medical cannabis card that the department issues  
2888 under this section if the cardholder:

2889 (a) violates this chapter; or

2890 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution  
2891 offense.

2892 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
2893 Utah Administrative Rulemaking Act, a process to provide information regarding the following  
2894 to an individual receiving a medical cannabis card:

2895 (a) risks associated with medical cannabis treatment;

2896 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
2897 medical cannabis treatment is an effective treatment or cure for that condition, as described in  
2898 Subsection 26-61a-104(1); and

2899 (c) other relevant warnings and safety information that the department determines.

2900 (10) The department may establish procedures by rule, in accordance with Title 63G,  
2901 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance  
2902 provisions of this section.

2903 (11) (a) On or before September 1, 2021, the department shall establish by rule, in  
2904 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow  
2905 an individual from another state to register with the department in order to purchase medical  
2906 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual  
2907 is visiting the state.

2908 (b) The department may only provide the registration process described in Subsection  
2909 (11)(a):

2910 (i) to a nonresident patient; and

2911 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days  
2912 per visitation period.

2913 (12) (a) A person may submit to the department a request to conduct a research study  
2914 using medical cannabis cardholder data that the state electronic verification system contains.

2915 (b) The department shall review a request described in Subsection (12)(a) to determine  
2916 whether an institutional review board, as that term is defined in Section 26-61-102, could  
2917 approve the research study.

2918 (c) At the time an individual applies for a medical cannabis card, the department shall  
2919 notify the individual:

2920 (i) of how the individual's information will be used as a cardholder;

2921 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
2922 consent under Subsection (12)(d), the individual consents to the use of the individual's  
2923 information for external research; and

2924 (iii) that the individual may withdraw consent for the use of the individual's  
2925 information for external research at any time, including at the time of application.

2926 (d) An applicant may, through the medical cannabis card application, and a medical  
2927 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or  
2928 cardholder's consent to participate in external research at any time.

2929 (e) The department may release, for the purposes of a study described in this  
2930 Subsection (12), information about a cardholder under this section who consents to participate  
2931 under Subsection (12)(c).

2932 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of  
2933 consent:

2934 (i) applies to external research that is initiated after the withdrawal of consent; and

2935 (ii) does not apply to research that was initiated before the withdrawal of consent.

2936 (g) The department may establish standards for a medical research study's validity, by  
2937 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2938 (13) The department shall record the issuance or revocation of a medical cannabis card  
2939 under this section in the controlled substance database.

2940 Section 35. Section **26-61a-206** is enacted to read:

2941 **26-61a-206. Purchasing and use limitations.**

2942 An individual with a medical cannabis card:

2943 (1) may purchase, in any one 28-day period, up to the legal dosage limit of:

2944 (a) unprocessed cannabis in a medicinal dosage form; and

2945 (b) a cannabis product in a medicinal dosage form;





2977 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;  
2978 (C) a report detailing the completion of the continuing education requirement described  
2979 in Subsection (3); and  
2980 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is  
2981 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the  
2982 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical  
2983 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and  
2984 (ii) pays a fee to the department in an amount that, subject to Subsection  
2985 26-61a-109(5), the department sets in accordance with Section 63J-1-504.  
2986 (b) The department may not register a recommending medical provider or a state  
2987 central patient portal medical provider as a pharmacy medical provider.  
2988 (3) (a) A pharmacy medical provider shall complete the continuing education described  
2989 in this Subsection (3) in the following amounts:  
2990 (i) as a condition precedent to registration, four hours; and  
2991 (ii) as a condition precedent to renewal of the registration, four hours every two years.  
2992 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:  
2993 (i) complete continuing education:  
2994 (A) regarding the topics described in Subsection (3)(d); and  
2995 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
2996 continuing education provider that the department recognizes as offering continuing education  
2997 appropriate for the medical cannabis pharmacy practice; and  
2998 (ii) make a continuing education report to the department in accordance with a process  
2999 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
3000 Administrative Rulemaking Act, and in collaboration with the Division of Professional  
3001 Licensing and:  
3002 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,  
3003 Pharmacy Practice Act, the Board of Pharmacy;  
3004 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical  
3005 Practice Act, the Physicians Licensing Board; and  
3006 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah  
3007 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

- 3008 (c) The department may, in consultation with the Division of Professional Licensing,  
3009 develop the continuing education described in this Subsection (3).
- 3010 (d) The continuing education described in this Subsection (3) may discuss:
- 3011 (i) the provisions of this chapter;
- 3012 (ii) general information about medical cannabis under federal and state law;
- 3013 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
3014 including risks and benefits;
- 3015 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
3016 patient in pain management, risk management, potential addiction, and palliative care; or
- 3017 (v) best practices for recommending the form and dosage of a medical cannabis  
3018 product based on the qualifying condition underlying a medical cannabis recommendation.
- 3019 (4) (a) A pharmacy medical provider registration card expires two years after the day  
3020 on which the department issues or renews the card.
- 3021 (b) A pharmacy medical provider may renew the provider's registration card if the  
3022 provider:
- 3023 (i) is eligible for a pharmacy medical provider registration card under this section;
- 3024 (ii) certifies to the department in a renewal application that the information in  
3025 Subsection (2)(a) is accurate or updates the information;
- 3026 (iii) submits a report detailing the completion of the continuing education requirement  
3027 described in Subsection (3); and
- 3028 (iv) pays to the department a renewal fee in an amount that:
- 3029 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with  
3030 Section 63J-1-504; and
- 3031 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
3032 comparison to the original application process.
- 3033 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the  
3034 person or another person dispenses medical cannabis.
- 3035 (b) Notwithstanding Subsection (5)(a) and [~~subject to~~] Section [~~26-61a-116~~]  
3036 4-41a-109, a registered pharmacy medical provider may advertise the following:
- 3037 (i) a green cross;
- 3038 (ii) that the person is registered as a pharmacy medical provider and dispenses medical

3039 cannabis; or

3040 (iii) a scientific study regarding medical cannabis use.

3041 Section 37. Section ~~26-61a-404~~, which is renumbered from Section 26-61a-503 is  
3042 renumbered and amended to read:

3043 ~~[26-61a-503]~~ **26-61a-404. Partial filling -- Pharmacy medical provider directions**  
3044 **of use.**

3045 (1) As used in this section, "partially fill" means to provide less than the full amount of  
3046 cannabis or cannabis product that the recommending medical provider recommends, if the  
3047 recommending medical provider recommended specific dosing parameters.

3048 (2) A pharmacy medical provider may partially fill a recommendation for a medical  
3049 cannabis treatment at the request of the recommending medical provider who issued the  
3050 medical cannabis treatment recommendation or the medical cannabis cardholder.

3051 (3) The department shall make rules, in collaboration with the Division of Professional  
3052 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
3053 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and  
3054 quantity remaining of a partially filled medical cannabis treatment recommendation.

3055 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a  
3056 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
3057 limits in Subsection ~~[26-61a-502(2)]~~ 4-41a-1102(2), to fill the quantity remaining of a partially  
3058 filled medical cannabis treatment recommendation if:

3059 (a) the pharmacy medical provider determined dosing parameters for the partial fill  
3060 under Subsection ~~[26-61a-502(4) or (5)]~~ 4-41a-1102(5) or (6); and

3061 (b) the medical cannabis cardholder reports that:

3062 (i) the partial fill did not substantially affect the qualifying condition underlying the  
3063 medical cannabis recommendation; or

3064 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
3065 unable to successfully use the partial fill.

3066 (5) If a recommending medical provider recommends treatment with medical cannabis  
3067 but wishes for the pharmacy medical provider to determine directions of use and dosing  
3068 guidelines:

3069 (a) the recommending medical provider shall provide to the pharmacy medical

3070 provider, either through the state electronic verification system or through a medical cannabis  
3071 pharmacy's recording of a recommendation under the order of a limited medical provider, any  
3072 of the following information that the recommending medical provider feels would be needed to  
3073 provide appropriate directions of use and dosing guidelines:

3074 (i) information regarding the qualifying condition underlying the recommendation;

3075 (ii) information regarding prior treatment attempts with medical cannabis; and

3076 (iii) portions of the patient's current medication list; and

3077 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the  
3078 pharmacy medical provider shall:

3079 (i) review pertinent medical records, including the recommending medical provider  
3080 documentation described in Subsection (5)(a); and

3081 (ii) unless the pertinent medical records show directions of use and dosing guidelines  
3082 from a state central patient portal medical provider in accordance with Subsection (6), after  
3083 completing the review described in Subsection (5)(b)(i) and consulting with the recommending  
3084 medical provider as needed, determine the best course of treatment through consultation with  
3085 the cardholder regarding:

3086 (A) the patient's qualifying condition underlying the recommendation from the  
3087 recommending medical provider;

3088 (B) indications for available treatments;

3089 (C) directions of use and dosing guidelines; and

3090 (D) potential adverse reactions.

3091 (6) (a) A state central patient portal medical provider may provide the consultation and  
3092 make the determination described in Subsection (5)(b) for a medical cannabis patient  
3093 cardholder regarding an electronic order that the state central patient portal facilitates.

3094 (b) The state central patient portal medical provider described in Subsection (6)(a)  
3095 shall document the directions of use and dosing guidelines, determined under Subsection (a)  
3096 in the pertinent medical records.

3097 Section 38. Section **26-61a-601** is amended to read:

3098 **26-61a-601. State central patient portal -- Department duties.**

3099 (1) [~~On or before July 1, 2020, the~~] The department shall establish or contract to  
3100 establish, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central

3101 patient portal as described in this section.

3102 (2) The state central patient portal shall:

3103 (a) authenticate each user to ensure the user is a valid medical cannabis patient  
3104 cardholder;

3105 (b) allow a medical cannabis patient cardholder to:

3106 (i) obtain and download the cardholder's medical cannabis card;

3107 (ii) review the cardholder's medical cannabis purchase history; and

3108 (iii) manage the cardholder's personal information, including withdrawing consent for  
3109 the use of the cardholder's information for a study described in Subsection 26-61a-201(12);

3110 (c) if the cardholder's recommending medical provider recommended the use of  
3111 medical cannabis without providing directions of use and dosing guidelines and the cardholder  
3112 has not yet received the counseling or consultation required in Subsection 26-61a-502(4):

3113 (i) alert the cardholder of the outstanding need for consultation; and

3114 (ii) provide the cardholder with access to the contact information for each state central  
3115 patient portal medical provider and each pharmacy medical provider;

3116 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis  
3117 order:

3118 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

3119 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in  
3120 person from the pharmacy;

3121 (e) prohibit a patient from completing an electronic medical cannabis order described  
3122 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection  
3123 [~~26-61a-502(2)(a) or (b)~~] 4-41a-1102(2)(a) or (b);

3124 (f) provide educational information to medical cannabis patient cardholders regarding  
3125 the state's medical cannabis laws and regulatory programs and other relevant information  
3126 regarding medical cannabis; and

3127 (g) allow the patient to designate up to two caregivers who may receive a medical  
3128 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in  
3129 accordance with this chapter.

3130 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah  
3131 Administrative Rulemaking Act, to implement the state central patient portal.

3132 Section 39. Section **26-61a-602** is amended to read:

3133 **26-61a-602. State central patient portal medical provider.**

3134 (1) In relation to the state central patient portal:

3135 (a) the department may only employ, as a state central patient portal medical provider:

3136 (i) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or

3137 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title

3138 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3139 (b) if the department employs a state central patient portal medical provider, the

3140 department shall ensure that a state central patient portal medical provider is available during

3141 normal business hours.

3142 (2) A state central patient portal medical provider may:

3143 (a) provide consultations to medical cannabis cardholders and qualified medical

3144 providers; and

3145 (b) determine dosing parameters in accordance with Subsection [~~26-61a-502(5)~~]

3146 26-61a-404(6).

3147 Section 40. Section **26-61a-701** is amended to read:

3148 **26-61a-701. Enforcement -- Misdemeanor.**

3149 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments[;

3150 ~~and Sections 26-61a-502, 26-61a-605, and 26-61a-607]~~ and Pharmacies, it is unlawful for a

3151 medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder

3152 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical

3153 cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

3154 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who

3155 violates Subsection (1) is:

3156 (i) guilty of a class B misdemeanor; and

3157 (ii) subject to a \$1,000 fine.

3158 (b) An individual is not guilty under Subsection (2)(a) if the individual:

3159 (i) (A) is a designated caregiver; and

3160 (B) gives the product described in Subsection (1) to the medical cannabis cardholder

3161 who designated the individual as a designated caregiver; or

3162 (ii) (A) is a medical cannabis guardian cardholder; and

3163 (B) gives the product described in Subsection (1) to the relevant provisional patient  
3164 cardholder.

3165 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not  
3166 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3167 underlying the violation described in Subsection (2)(a).

3168 Section 41. Section **26-61a-703** is amended to read:

3169 **26-61a-703. Report.**

3170 (1) By the November interim meeting each year beginning in 2020, the department  
3171 shall report to the Health and Human Services Interim Committee on:

3172 (a) the number of applications and renewal applications filed for medical cannabis  
3173 cards;

3174 (b) the number of qualifying patients and designated caregivers;

3175 (c) the nature of the debilitating medical conditions of the qualifying patients;

3176 (d) the age and county of residence of cardholders;

3177 (e) the number of medical cannabis cards revoked;

3178 (f) the number of practitioners providing recommendations for qualifying patients;

3179 (g) the number of license applications and renewal license applications received;

3180 (h) the number of licenses the department has issued in each county;

3181 (i) the number of licenses the department has revoked;

3182 (j) the quantity of medical cannabis shipments that the state central patient portal  
3183 facilitates;

3184 (k) the number of overall purchases of medical cannabis and medical cannabis products  
3185 from each medical cannabis pharmacy;

3186 (l) the expenses incurred and revenues generated from the medical cannabis program;  
3187 and

3188 (m) an analysis of product availability in medical cannabis pharmacies in consultation  
3189 with Department of Agriculture and Food.

3190 (2) The department may not include personally identifying information in the report  
3191 described in this section.

3192 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the  
3193 working group described in Section 36-12-8.2 as requested by the working group.

3194 Section 42. Section **26-61a-801** is enacted to read:

3195 **Part 8. Medical Cannabis Policy Advisory Board**

3196 **26-61a-801. Advisory board creation -- Membership.**

3197 (1) There is created within the department the Medical Cannabis Policy Advisory  
3198 Board.

3199 (2) (a) The advisory board shall consist of the following members:

3200 (i) appointed by the executive director:

3201 (A) a qualified medical provider who has at least 150 patients who have a medical  
3202 cannabis patient card at the time of appointment;

3203 (B) a medical research professional;

3204 (C) a mental health specialist;

3205 (D) an individual who represents an organization that advocates for medical cannabis  
3206 patients;

3207 (E) an individual who holds a medical cannabis patient card; and

3208 (F) a member of the general public who does not hold a medical cannabis card; and

3209 (ii) appointed by the commissioner of the Department of Agriculture and Food:

3210 (A) an individual who owns or operates a licensed cannabis cultivation facility;

3211 (B) an individual who owns or operates a licensed medical cannabis pharmacy; and

3212 (C) a law enforcement officer.

3213 (b) The commissioner of the Department of Agriculture and Food shall ensure that at  
3214 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or operates a  
3215 licensed cannabis processing facility.

3216 (3) (a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a  
3217 four year term.

3218 (b) When appointing the initial membership of the advisory board, the executive  
3219 director and the commissioner of the Department of Agriculture and Food shall coordinate to  
3220 appoint four advisory board members to serve a term of two years to ensure that approximately  
3221 half of the board is appointed every two years.

3222 (4) (a) If an advisory board member is no longer able to serve as a member, a new  
3223 member shall be appointed in the same manner as the original appointment.

3224 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the



3225 remainder of the unexpired term of the original appointment.

3226 (5) (a) A majority of the advisory board members constitutes a quorum.

3227 (b) The action of a majority of a quorum constitutes an action of the advisory board.

3228 (c) The advisory board shall annually designate one of the advisory board's members to  
3229 serve as chair for a one-year period.

3230 (6) An advisory board member may not receive compensation or benefits for the  
3231 member's service on the advisory board but may receive per diem and reimbursement for travel  
3232 expenses incurred as an advisory board member in accordance with:

3233 (a) Sections 63A-3-106 and 63A-3-107; and

3234 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3235 63A-3-107.

3236 (7) The department shall:

3237 (a) provide staff support for the advisory board; and

3238 (b) assist the advisory board in conducting meetings.

3239 Section 43. Section **26-61a-802** is enacted to read:

3240 **26-61a-802. Advisory board duties.**

3241 (1) The advisory board may recommend:

3242 (a) to the department or the Department of Agriculture and Food changes to current or  
3243 proposed medical cannabis rules or statutes;

3244 (b) to the appropriate legislative committee whether the advisory board supports a  
3245 change to medical cannabis statutes.

3246 (2) The advisory board shall:

3247 (a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a,  
3248 Cannabis Production Establishments and Pharmacies;

3249 (b) consult with the Department of Agriculture and Food regarding the issuance of an  
3250 additional:

3251 (i) cultivation facility license under Section 4-41a-205; or

3252 (ii) pharmacy license under Section 4-41a-1005;

3253 (c) consult with the department regarding:

3254 (i) qualified medical provider education and requirements; and

3255 (ii) cannabis patient education;

3256 (d) consult regarding the reasonableness of any fees set by the department or the Utah  
 3257 Department of Agriculture and Food that pertain to the medical cannabis program; and

3258 (e) consult regarding any issue pertaining to medical cannabis when asked by the  
 3259 department or the Utah Department of Agriculture and Food.

3260 Section 44. Section **26-61a-803** is enacted to read:

3261 **26-61a-803. Department coordination.**

3262 The department shall:

3263 (1) provide draft rules made under this chapter to the advisory board for the advisory  
 3264 board's review;

3265 (2) consult with the advisory board regarding:

3266 (a) qualified medical provider requirements; and

3267 (b) patient education;

3268 (3) consult with the advisory board regarding fees set by the department that pertain to  
 3269 the medical cannabis program; and

3270 (4) when appropriate, consult with the advisory board regarding issues that arise in the  
 3271 medical cannabis program.

3272 Section 45. Section **36-12-8.2** is amended to read:

3273 **36-12-8.2. Medical cannabis governance structure working group.**

3274 [~~During the 2022 legislative interim, the]~~

3275 (1) The Legislative Management Committee shall establish a medical cannabis  
 3276 governance structure working group composed of [~~three members of the Health and Human~~  
 3277 ~~Services Interim Committee and three members of the Natural Resources, Agriculture, and~~  
 3278 ~~Environment Interim Committee to:] six members of the Legislature.~~

3279 (2) The working group may:

3280 ~~[(+)]~~ (a) work with industry, patients, medical providers, and others [to conduct a] to  
 3281 review [of] the state's governance structure over medical cannabis;

3282 ~~[(2)]~~ (b) study various regulatory structures throughout the nation regarding state  
 3283 agency regulation of medical cannabis; and

3284 (c) make recommendations to the Health and Human Services Interim Committee or  
 3285 the Natural Resources, Agriculture, and Environment Interim Committee regarding medical  
 3286 cannabis governance before or at the October interim meeting.

3287 ~~[(3) at or before the October 2022 interim meeting, make recommendations to the~~  
3288 ~~Health and Human Services Interim Committee and the Natural Resources, Agriculture, and~~  
3289 ~~Environment Interim Committee on whether a committee should recommend committee~~  
3290 ~~legislation to vertically integrate licenses, streamline regulations, and reduce costs for patients~~  
3291 ~~by unifying the efforts of the Department of Health and Human Services and the Department of~~  
3292 ~~Agriculture and Food under a single state authority over medical cannabis.]~~

3293 Section 46. Section **58-17b-302** is amended to read:

3294 **58-17b-302. License required -- License classifications for pharmacy facilities.**

3295 (1) A license is required to act as a pharmacy, except:

3296 (a) as specifically exempted from licensure under Section 58-1-307;

3297 (b) for the operation of a medical cannabis pharmacy under [~~Title 26, Chapter 61a,~~  
3298 ~~Utah Medical Cannabis Act]~~ Title 4, Chapter 41a, Cannabis Production Establishments and  
3299 Pharmacies; and

3300 (c) to operate a licensed dispensing practice under Chapter 88, Part 2, Dispensing  
3301 Practice.

3302 (2) The division shall issue a pharmacy license to a facility that qualifies under this  
3303 chapter in the classification of a:

3304 (a) class A pharmacy;

3305 (b) class B pharmacy;

3306 (c) class C pharmacy;

3307 (d) class D pharmacy;

3308 (e) class E pharmacy; or

3309 (f) dispensing medical practitioner clinic pharmacy.

3310 (3) (a) Each place of business shall require a separate license.

3311 (b) If multiple pharmacies exist at the same address, a separate license shall be required  
3312 for each pharmacy.

3313 (4) (a) The division may further define or supplement the classifications of pharmacies.

3314 (b) The division may impose restrictions upon classifications to protect the public  
3315 health, safety, and welfare.

3316 (5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by  
3317 rule.

3318 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,  
3319 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities  
3320 of the pharmacy, regardless of the form of the business organization.

3321 Section 47. Section **58-17b-502** is amended to read:

3322 **58-17b-502. Unprofessional conduct.**

3323 (1) "Unprofessional conduct" includes:

3324 (a) willfully deceiving or attempting to deceive the division, the board, or their agents  
3325 as to any relevant matter regarding compliance under this chapter;

3326 (b) except as provided in Subsection (2):

3327 (i) paying or offering rebates to practitioners or any other health care providers, or  
3328 receiving or soliciting rebates from practitioners or any other health care provider; or

3329 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,  
3330 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care  
3331 provider, for the purpose of obtaining referrals;

3332 (c) misbranding or adulteration of any drug or device or the sale, distribution, or  
3333 dispensing of any outdated, misbranded, or adulterated drug or device;

3334 (d) engaging in the sale or purchase of drugs or devices that are samples or packages  
3335 bearing the inscription "sample" or "not for resale" or similar words or phrases;

3336 (e) except as provided in Section 58-17b-503, accepting back and redistributing any  
3337 unused drug, or a part of it, after it has left the premises of a pharmacy;

3338 (f) an act in violation of this chapter committed by a person for any form of  
3339 compensation if the act is incidental to the person's professional activities, including the  
3340 activities of a pharmacist, pharmacy intern, or pharmacy technician;

3341 (g) violating:

3342 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

3343 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

3344 (iii) rules or regulations adopted under either act;

3345 (h) requiring or permitting pharmacy interns or technicians to engage in activities  
3346 outside the scope of practice for their respective license classifications, as defined in this  
3347 chapter and division rules made in collaboration with the board, or beyond their scope of  
3348 training and ability;

- 3349 (i) administering:
- 3350 (i) without appropriate training, as defined by rule;
- 3351 (ii) without a physician's order, when one is required by law; and
- 3352 (iii) in conflict with a practitioner's written guidelines or written protocol for
- 3353 administering;
- 3354 (j) disclosing confidential patient information in violation of the provisions of the
- 3355 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
- 3356 1936, as amended, or other applicable law;
- 3357 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
- 3358 the pharmacist-in-charge;
- 3359 (l) failing to report to the division any adverse action taken by another licensing
- 3360 jurisdiction, government agency, law enforcement agency, or court for conduct that in
- 3361 substance would be considered unprofessional conduct under this section;
- 3362 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
- 3363 form which is regularly and commonly available from a manufacturer in quantities and
- 3364 strengths prescribed by a practitioner;
- 3365 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
- 3366 when dispensing a self-administered hormonal contraceptive under a standing order;
- 3367 (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production
- 3368 Establishments and Pharmacies, or Title 26, Chapter 61a, Utah Medical Cannabis Act; or
- 3369 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 3370 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
- 3371 or an individual under the direction or control of an individual licensed under this chapter; or
- 3372 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).
- 3373 (2) Subsection (1)(b) does not apply to:
- 3374 (a) giving or receiving a price discount based on purchase volume;
- 3375 (b) passing along a pharmaceutical manufacturer's rebate; or
- 3376 (c) providing compensation for services to a veterinarian.
- 3377 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
- 3378 61a, Utah Medical Cannabis Act:
- 3379 (a) when registered as a pharmacy medical provider, as that term is defined in Section

3380 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or  
3381 (b) when acting as a state central patient portal medical provider, as that term is defined  
3382 in Section 26-61a-102, providing state central patient portal medical provider services.

3383 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in  
3384 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
3385 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

3386 Section 48. Section **58-37-3.8** is amended to read:

3387 **58-37-3.8. Enforcement.**

3388 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for  
3389 an officially designated drug enforcement task force regarding conduct that is not in accordance  
3390 with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26,  
3391 Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local resources,  
3392 including the officer's time, to:

3393 (a) effect any arrest or seizure of cannabis, as that term is defined in Section  
3394 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to  
3395 constitute a violation of federal law if the officer has reason to believe that the activity is in  
3396 compliance with the state medical cannabis laws;

3397 (b) enforce a law that restricts an individual's right to acquire, own, or possess a  
3398 firearm based solely on the individual's possession or use of cannabis in accordance with state  
3399 medical cannabis laws; or

3400 (c) provide any information or logistical support related to an activity described in  
3401 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

3402 (2) An agency or political subdivision of the state may not take an adverse action  
3403 against a person for providing a professional service to a medical cannabis pharmacy, as that  
3404 term is defined in Section 26-61a-102, the state central patient portal, as that term is defined in  
3405 Section 26-61a-102, or a cannabis production establishment, as that term is defined in Section  
3406 4-41a-102, on the sole basis that the service is a violation of federal law.

3407 Section 49. Section **63I-2-236** is amended to read:

3408 **63I-2-236. Repeal dates: Title 36.**

3409 (1) Section 36-12-8.2 is repealed July 1, [2023] 2024.

3410 (2) Section 36-29-107.5 is repealed on November 30, 2023.

- 3411 (3) Section 36-29-109 is repealed on November 30, 2027.
- 3412 (4) Section 36-29-110 is repealed on November 30, 2024.
- 3413 (5) Section 36-29-111 is repealed April 30, 2023.
- 3414 (6) The following sections regarding the State Flag Task Force are repealed on January
- 3415 1, 2024:
- 3416 (a) Section 36-29-201;
- 3417 (b) Section 36-29-202; and
- 3418 (c) Section 36-29-203.
- 3419 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is
- 3420 repealed December 31, 2023.
- 3421 Section 50. Section **78A-2-231** is amended to read:
- 3422 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**
- 3423 (1) As used in this section:
- 3424 (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 3425 (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.
- 3426 (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.
- 3427 (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.
- 3428 (e) "Medical cannabis card" means the same as that term is defined in Section
- 3429 26-61a-102.
- 3430 (f) "Medical cannabis device" means the same as that term is defined in Section
- 3431 26-61a-102.
- 3432 (g) "Recommending medical provider" means the same as that term is defined in
- 3433 Section 26-61a-102.
- 3434 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
- 3435 makes a finding, determination, or otherwise considers an individual's medical cannabis card,
- 3436 medical cannabis recommendation from a recommending medical provider, or possession or
- 3437 use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel,
- 3438 jury, or court commissioner may not consider or treat the individual's card, recommendation,
- 3439 possession, or use any differently than the lawful possession or use of any prescribed controlled
- 3440 substance if:
- 3441 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production

3442 Establishments and Pharmacies;

3443 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3444 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah

3445 Medical Cannabis Act; and

3446 (ii) the individual reasonably complies with the directions of use and dosing guidelines

3447 determined by the individual's recommending medical provider or through a consultation

3448 described in Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5) or (6).

3449 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in

3450 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of

3451 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain

3452 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis

3453 device, either directly or through a general prohibition on violating federal law, without an

3454 exception related to medical cannabis use, if the individual's use or possession complies with:

3455 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3456 (b) Subsection 58-37-3.7(2) or (3).

3457 Section 51. Section **80-3-110** is amended to read:

3458 **80-3-110. Consideration of cannabis during proceedings -- Drug testing.**

3459 (1) As used in this section:

3460 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

3461 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3462 (c) (i) "Chronic" means repeated or patterned.

3463 (ii) "Chronic" does not mean an isolated incident.

3464 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.

3465 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

3466 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

3467 (g) "Medical cannabis cardholder" means the same as that term is defined in Section

3468 26-61a-102.

3469 (h) "Recommending medical provider" means the same as that term is defined in

3470 Section 26-61a-102.

3471 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,

3472 determination, or otherwise considers an individual's medical cannabis card, medical cannabis



3473 recommendation from a recommending medical provider, or possession or use of medical  
3474 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider  
3475 or treat the individual's medical cannabis card, recommendation, possession, or use any  
3476 differently than the lawful possession or use of any prescribed controlled substance if:

3477 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis  
3478 Production Establishments and Pharmacies;

3479 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3480 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah  
3481 Medical Cannabis Act; and

3482 (ii) the individual reasonably complies with the directions of use and dosing guidelines  
3483 determined by the individual's recommending medical provider or through a consultation  
3484 described in Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5) or (6).

3485 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or  
3486 a cannabis product is not abuse or neglect of the child unless there is evidence showing that:

3487 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or  
3488 because of cannabis being introduced to the child's body in another manner; or

3489 (b) the child is at an unreasonable risk of harm because of chronic inhalation or  
3490 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3491 (4) Unless there is harm or an unreasonable risk of harm to the child as described in  
3492 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or guardian's  
3493 use of medical cannabis or a cannabis product is not contrary to the best interests of the child  
3494 if:

3495 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's  
3496 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there  
3497 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates  
3498 from the directions of use and dosing guidelines determined by the parent's or guardian's  
3499 recommending medical provider or through a consultation described in Subsection  
3500 [~~26-61a-502(4) or (5)~~] 26-61a-404(5) or (6); or

3501 (b) before January 1, 2021, the parent's or guardian's possession or use complies with  
3502 Subsection 58-37-3.7(2) or (3).

3503 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and

3504 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis  
3505 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a  
3506 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior  
3507 that would separately constitute abuse or neglect of the child.

3508 (6) If an individual, who is party to a proceeding under this chapter, is ordered by the  
3509 juvenile court to submit to drug testing, or is referred by the division or a guardian ad litem for  
3510 drug testing, the individual may not be ordered or referred for drug testing by means of a hair  
3511 or fingernail test that is administered to detect the presence of drugs.

3512 Section 52. Section **80-4-109** is amended to read:

3513 **80-4-109. Consideration of cannabis during proceedings.**

3514 (1) As used in this section:

3515 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

3516 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3517 (c) (i) "Chronic" means repeated or patterned.

3518 (ii) "Chronic" does not mean an isolated incident.

3519 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.

3520 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

3521 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

3522 (g) "Medical cannabis cardholder" means the same as that term is defined in Section  
3523 26-61a-102.

3524 (h) "Qualified medical provider" means the same as that term is defined in Section  
3525 26-61a-102.

3526 (2) In a proceeding under this chapter in which the juvenile court makes a finding,  
3527 determination, or otherwise considers an individual's possession or use of medical cannabis, a  
3528 cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the  
3529 individual's possession or use any differently than the lawful possession or use of any  
3530 prescribed controlled substance if:

3531 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis  
3532 Production Establishments and Pharmacies;

3533 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3534 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah

3535 Medical Cannabis Act; and

3536 (ii) the individual reasonably complies with the directions of use and dosing guidelines  
3537 determined by the individual's qualified medical provider or through a consultation described  
3538 in Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5) or (6).

3539 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a  
3540 cannabis product is not abuse or neglect of a child unless there is evidence showing that:

3541 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or  
3542 because of cannabis being introduced to the child's body in another manner; or

3543 (b) the child is at an unreasonable risk of harm because of chronic inhalation or  
3544 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3545 (4) Unless there is harm or an unreasonable risk of harm to the child as described in  
3546 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not  
3547 contrary to the best interests of a child if:

3548 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's  
3549 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there  
3550 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates  
3551 from the directions of use and dosing guidelines determined by the parent's or guardian's  
3552 qualified medical provider or through a consultation described in Subsection [~~26-61a-502(4) or~~  
3553 ~~(5)~~] 26-61a-404(5) or (6); or

3554 (b) before January 1, 2021, the parent's or guardian's possession or use complies with  
3555 Subsection ~~58-37-3.7(2)~~ or (3).

3556 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and  
3557 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis  
3558 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a  
3559 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior  
3560 that would separately constitute abuse or neglect of the child.

3561 Section 53. **Repealer.**

3562 This bill repeals:

3563 Section **26-61a-108, Agreement with a tribe.**

3564 Section **26-61a-506, Medical cannabis transportation.**