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SB 121, 1st Substitute: Medical Cannabis Program Amendments

SB 121, 1st Substitute: Medical Cannabis Program Amendments, makes various changes to Utah's Medical Cannabis Program.

Key Provisions and Line Numbers

The changes from SB 121, 1st Substitute, are categorized below as falling under the purview of the Department of Agriculture and Food (UDAF), the Department of Health and Human Services (DHHS), and General Changes that are not directly connected to an agency.

Department of Agriculture and Food

Licensing Review Process Changes:

- Line 254 (cultivators) and Line 518 (pharmacies): changes the timeframe that the licensing board can take to review an ownership change from 30 to 60 days.

Medical Cannabis Production Changes:

- Lines 287 – 290: in addition to radiation-based methods, allows for additional quality assurance or remediation processes to be established by UDAF in administrative rule.

Medical Cannabis Product Labeling Changes:

- Line 351: adds that a product name may contain the word "hash."
- Lines 374 – 375: grants UDAF additional rulemaking authority to address terms related to psychological effects on medical cannabis labels.
- Lines 664 – 666: changes the term "back panel" to "fact panel" in relation to the information that a medical cannabis pharmacy must display for each product at a pharmacy and on the pharmacy's website.

Medical Cannabis Pharmacy Agent Changes:

- Line 751: changes "may" to "shall" for UDAF to revoke or not issue a license to a medical cannabis pharmacy agent if they have committed certain violations.
- Lines 771 – 790; 1512 - 1527: Moves a requirement that a medical cannabis pharmacy agent receive education as a condition of their license registration and renewal to Title 26B.

Medical Cannabis Courier and Courier Agent Changes:

- Line 898: changes "may" to "shall" for UDAF to revoke or not issue a license to a medical cannabis

pharmacy agent if they have committed certain violations.

- Lines 957 – 998: Establishes processes for medical cannabis couriers when delivering medical cannabis.
 - o Requires certain storage procedures;
 - o Requires that undelivered medical cannabis be returned to medical cannabis pharmacy within 14 days;
 - o Allows the medical cannabis to repackage the undelivered medical cannabis if the product's integrity is intact; and
 - o Requires the medical cannabis pharmacy to dispose of the medical cannabis if the product's integrity has been compromised.

Department of Health and Human Services

Incapacitated Adult and Caregiver Changes:

- Lines 1196, 1243, 1327, 1332, 1592 – 1593, 1661 – 1667, 1849 – 1854, 1917, 1915 - 1935:
Establishes a process for an adult with a disability with a legal guardian to apply for a medical cannabis patient card with a government-issued photo identification from their legal guardian if the adult with a disability does not have a government-issued photo identification of their own. Permits a legal guardian or caregiver to sign an attestation document to certify that they are eligible for a medical cannabis guardian card or medical cannabis caregiver card.

Permissible Identification Changes:

- Line 1192: Allows the use of a tribal government-issued photo identification to be used in verification processes related to medical cannabis.

Medical Cannabis Pharmacy Agent Electronic Verification System Changes:

- Lines 771 – 790; 1512 – 1527: Requires a medical cannabis pharmacy agent to be designated by the pharmacist-in-charge and complete a training in health information privacy laws in order to access the electronic verification system (moved from Title 4).

Conforming Changes:

- Lines 1036 and 1048: Changes the term 'qualified' to 'recommending' medical providers to reflect the elimination of the term, 'qualified medical provider,' made in HB 357 (2025).

Voucher Program:

- Lines 1019 – 1024; 1976 – 1990: Establishes a voucher program for medical cannabis patients who are enrolled in Medicaid or Medicare of up to \$150 per month for purchasing medical cannabis products. Provides that \$300,000 per year may go to the voucher program if money remains in the Qualified Patient Enterprise Fund after other fund obligations are resolved.

General Changes

Sunset Change:

- Line 1994: Changes the repeal of the Medical Cannabis Governance Structure Working Group from July 1, 2026, to July 1, 2027.