

Effective 5/1/2024

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

(1) As used in this section:

- (a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.
- (b) "Closed-door medical cannabis pharmacy" means the same as that term is defined in Section 4-41a-102.
- (c) "Industrial hemp producer licensee" means the same as the term "licensee" is defined in Section 4-41-102.
- (d) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.

(2)

- (a)
 - (i) A municipality may not regulate a cannabis production establishment or a medical cannabis pharmacy in conflict with:
 - (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and applicable jurisprudence; and
 - (B) this chapter.
 - (ii) A municipality may not regulate an industrial hemp producer licensee in conflict with:
 - (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and
 - (B) this chapter.
- (b) The Department of Agriculture and Food has plenary authority to license programs or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

(3)

- (a) Within the time period described in Subsection (3)(b), a municipality shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:
 - (i) regarding a cannabis production establishment, Section 4-41a-406; or
 - (ii) regarding a medical cannabis pharmacy, Section 4-41a-1105.
- (b) A municipality shall take the action described in Subsection (3)(a):
 - (i) before January 1, 2021, within 45 days after the day on which the municipality receives a petition for the action; and
 - (ii) after January 1, 2021, in accordance with Subsection 10-9a-509.5(2).

Amended by Chapter 238, 2024 General Session