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

As used in this chapter:

- (1) "Cannabis" means marijuana.
- (2) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41a-102.
- (3) "Cannabis processing facility" means the same as that term is defined in Section 4-41a-102.
- (4) "Cannabis product" means a product that:
  - (a) is intended for human use; and
  - (b) contains cannabis or tetrahydrocannabinol.
- (5) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102.
- (6) "Cannabis production establishment agent" means the same as that term is defined in Section 4-41a-102.
- (7) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41a-102.
- (8) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.
- (9) "Department" means the Department of Health.
- (10) "Designated caregiver" means:
  - (a) an individual:
    - (i) whom an individual with a medical cannabis patient card or a medical cannabis guardian card designates as the patient's caregiver; and
    - (ii) who registers with the department under Section 26-61a-202; or
  - (b)
    - (i) a facility that an individual designates as a designated caregiver in accordance with Subsection 26-61a-202(1)(b); or
    - (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).
- (11) "Directions of use" means recommended routes of administration for a medical cannabis treatment and suggested usage guidelines.
- (12) "Dosing guidelines" means a quantity range and frequency of administration for a recommended treatment of medical cannabis.
- (13) "Financial institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.
- (14) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the state central patient portal facilitates.
- (15) "Inventory control system" means the system described in Section 4-41a-103.
- (16) "Legal dosage limit" means an amount that:
  - (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant qualified medical provider or the pharmacy medical provider, in accordance with Subsection 26-61a-201(4) or (5), recommends; and
  - (b) may not exceed:
    - (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
    - (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than 20 grams of active tetrahydrocannabinol.

- (17) "Legal use termination date" means a date on the label of a container of unprocessed cannabis flower:
  - (a) that is 60 days after the date of purchase of the cannabis; and
  - (b) after which, the cannabis is no longer in a medicinal dosage form outside of the primary residence of the relevant medical cannabis patient cardholder.
- (18) "Marijuana" means the same as that term is defined in Section 58-37-2.
- (19) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
- (20) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, or a medical cannabis caregiver card.
- (21) "Medical cannabis cardholder" means:
  - (a) a holder of a medical cannabis card; or
  - (b) a facility or assigned employee, described in Subsection (10)(b), only:
    - (i) within the scope of the facility's or assigned employee's performance of the role of a medical cannabis patient cardholder's caregiver designation under Subsection 26-61a-202(1)(b); and
    - (ii) while in possession of documentation that establishes:
      - (A) a caregiver designation described in Subsection 26-61a-202(1)(b);
      - (B) the identity of the individual presenting the documentation; and
      - (C) the relation of the individual presenting the documentation to the caregiver designation.
- (22) "Medical cannabis caregiver card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:
  - (a) the department issues to an individual whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder designates as a designated caregiver; and
  - (b) is connected to the electronic verification system.
- (23) "Medical cannabis courier" means a courier that:
  - (a) the department licenses in accordance with Section 26-61a-604; and
  - (b) contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.
- (24)
  - (a) "Medical cannabis device" means a device that an individual uses to ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
  - (b) "Medical cannabis device" does not include a device that:
    - (i) facilitates cannabis combustion; or
    - (ii) an individual uses to ingest substances other than cannabis.
- (25) "Medical cannabis guardian card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:
  - (a) the department issues to the parent or legal guardian of a minor with a qualifying condition; and
  - (b) is connected to the electronic verification system.
- (26) "Medical cannabis patient card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:
  - (a) the department issues to an individual with a qualifying condition; and
  - (b) is connected to the electronic verification system.
- (27) "Medical cannabis pharmacy" means a person that:
  - (a)
    - (i) acquires or intends to acquire:

- (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form from a cannabis processing facility; or
- (B) a medical cannabis device; or
- (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and
- (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.
- (28) "Medical cannabis pharmacy agent" means an individual who:
  - (a) is an employee of a medical cannabis pharmacy; and
  - (b) who holds a valid medical cannabis pharmacy agent registration card.
- (29) "Medical cannabis pharmacy agent registration card" means a registration card issued by the department that authorizes an individual to act as a medical cannabis pharmacy agent.
- (30) "Medical cannabis shipment" means a shipment of medical cannabis or a medical cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical cannabis order that the state central patient portal facilitates.
- (31) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.
- (32)
  - (a) "Medicinal dosage form" means:
    - (i) for processed medical cannabis or a medical cannabis product, the following with a specific and consistent cannabinoid content:
      - (A) a tablet;
      - (B) a capsule;
      - (C) a concentrated liquid or viscous oil;
      - (D) a liquid suspension;
      - (E) a topical preparation;
      - (F) a transdermal preparation;
      - (G) a sublingual preparation;
      - (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape; or
      - (I) a resin or wax;
    - (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
      - (A) contains cannabis flowers in a quantity that varies by no more than 10% from the stated weight at the time of packaging;
      - (B) at any time the medical cannabis cardholder transports or possesses the container in public, is contained within an opaque, child-resistant bag that the medical cannabis pharmacy provides; and
      - (C) is labeled with the container's content and weight, the date of purchase, the legal use termination date, and after December 31, 2020, a barcode that provides information connected to an inventory control system; and
    - (iii) a form measured in grams, milligrams, or milliliters.
  - (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
    - (i) the medical cannabis cardholder has recently removed from the container described in Subsection (32)(a)(ii) for use; and
    - (ii) does not exceed the quantity described in Subsection (32)(a)(ii).
  - (c) "Medicinal dosage form" does not include:

- (i) any unprocessed cannabis flower outside of the container described in Subsection (32)(a)(ii), except as provided in Subsection (32)(b);
  - (ii) any unprocessed cannabis flower in a container described in Subsection (32)(a)(ii) after the legal use termination date; or
  - (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis on a nail or other metal object that is heated by a flame, including a blowtorch.
- (33) "Nonresident patient" means an individual who:
- (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
  - (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis card under the laws of another state, district, territory, commonwealth, or insular possession of the United States; and
  - (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.
- (34) "Payment provider" means an entity that contracts with a cannabis production establishment or medical cannabis pharmacy to facilitate transfers of funds between the establishment or pharmacy and other businesses or individuals.
- (35) "Pharmacy medical provider" means the medical provider required to be on site at a medical cannabis pharmacy under Section 26-61a-403.
- (36) "Provisional patient card" means a card that:
- (a) the department issues to a minor with a qualifying condition for whom:
    - (i) a qualified medical provider has recommended a medical cannabis treatment; and
    - (ii) the department issues a medical cannabis guardian card to the minor's parent or legal guardian; and
  - (b) is connected to the electronic verification system.
- (37) "Qualified medical provider" means an individual who is qualified to recommend treatment with cannabis in a medicinal dosage form under Section 26-61a-106.
- (38) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section 26-61a-109.
- (39) "Qualifying condition" means a condition described in Section 26-61a-104.
- (40) "Recommend" or "recommendation" means, for a qualified medical provider, the act of suggesting the use of medical cannabis treatment, which:
- (a) certifies the patient's eligibility for a medical cannabis card; and
  - (b) may include, at the qualified medical provider's discretion, directions of use, with or without dosing guidelines.
- (41) "State central patient portal" means the website the department creates, in accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic medical cannabis order.
- (42) "State central patient portal medical provider" means a physician or pharmacist that the department employs in relation to the state central patient portal to consult with medical cannabis cardholders in accordance with Section 26-61a-602.
- (43) "State electronic verification system" means the system described in Section 26-61a-103.
- (44) "Valid form of photo identification" means a valid United States federal- or state-issued photo identification, including:
- (a) a driver license;
  - (b) a United States passport;
  - (c) a United States passport card; or
  - (d) a United States military identification card.