

**Effective 3/23/2022**

**Renumbered 7/1/2023**

**26-61a-502 Dispensing -- Amount a medical cannabis pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

- (1)
  - (a) A medical cannabis pharmacy may not sell a product other than, subject to this chapter:
    - (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired from another medical cannabis pharmacy or a cannabis processing facility that is licensed under Section 4-41a-201;
    - (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy acquired from another medical cannabis pharmacy or a cannabis processing facility that is licensed under Section 4-41a-201;
    - (iii) a medical cannabis device; or
    - (iv) educational material related to the medical use of cannabis.
  - (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an individual with:
    - (i)
      - (A) a medical cannabis card;
      - (B) a department registration described in Section 26-61a-201(10); and
    - (ii) a corresponding valid form of photo identification.
  - (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a cannabis-based drug that the United States Food and Drug Administration has approved.
  - (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a medical cannabis device to an individual described in Subsection 26-61a-201(2)(a)(i)(B) or to a minor described in Subsection 26-61a-201(2)(c) unless the individual or minor has the approval of the Compassionate Use Board in accordance with Subsection 26-61a-105(5).
- (2) A medical cannabis pharmacy:
  - (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the legal dosage limit of:
    - (i) unprocessed cannabis that:
      - (A) is in a medicinal dosage form; and
      - (B) carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; and
    - (ii) a cannabis product that is in a medicinal dosage form; and
  - (b) may not dispense:
    - (i) more medical cannabis than described in Subsection (2)(a); or
    - (ii) to an individual whose recommending medical provider did not recommend directions of use and dosing guidelines, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any medical cannabis.
- (3) An individual with a medical cannabis card:
  - (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
    - (i) unprocessed cannabis in a medicinal dosage form; and
    - (ii) a cannabis product in a medicinal dosage form;
  - (b) may not purchase:
    - (i) more medical cannabis than described in Subsection (3)(a); or
    - (ii) if the relevant recommending medical provider did not recommend directions of use and dosing guidelines, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any medical cannabis; and

- (c) may not use a route of administration that the relevant recommending medical provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not recommended.
- (4) If a recommending medical provider recommends treatment with medical cannabis but wishes for the pharmacy medical provider to determine directions of use and dosing guidelines:
  - (a) the recommending medical provider shall provide to the pharmacy medical provider, either through the state electronic verification system or through a medical cannabis pharmacy's recording of a recommendation under the order of a limited medical provider, any of the following information that the recommending medical provider feels would be needed to provide appropriate directions of use and dosing guidelines:
    - (i) information regarding the qualifying condition underlying the recommendation;
    - (ii) information regarding prior treatment attempts with medical cannabis; and
    - (iii) portions of the patient's current medication list; and
  - (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the pharmacy medical provider shall:
    - (i) review pertinent medical records, including the recommending medical provider documentation described in Subsection (4)(a); and
    - (ii) unless the pertinent medical records show directions of use and dosing guidelines from a state central patient portal medical provider in accordance with Subsection (5), after completing the review described in Subsection (4)(b)(i) and consulting with the recommending medical provider as needed, determine the best course of treatment through consultation with the cardholder regarding:
      - (A) the patient's qualifying condition underlying the recommendation from the recommending medical provider;
      - (B) indications for available treatments;
      - (C) directions of use and dosing guidelines; and
      - (D) potential adverse reactions.
- (5)
  - (a) A state central patient portal medical provider may provide the consultation and make the determination described in Subsection (4)(b) for a medical cannabis patient cardholder regarding an electronic order that the state central patient portal facilitates.
  - (b) The state central patient portal medical provider described in Subsection (5)(a) shall document the directions of use and dosing guidelines, determined under Subsection (5)(a) in the pertinent medical records.
- (6)
  - (a) A medical cannabis pharmacy shall:
    - (i)
      - (A) access the state electronic verification system before dispensing cannabis or a cannabis product to a medical cannabis cardholder in order to determine if the cardholder or, where applicable, the associated patient has met the maximum amount of medical cannabis described in Subsection (2); and
      - (B) if the verification in Subsection (6)(a)(i) indicates that the individual has met the maximum amount described in Subsection (2), decline the sale, and notify the recommending medical provider who made the underlying recommendation;
    - (ii) submit a record to the state electronic verification system each time the medical cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
    - (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews each medical cannabis transaction before dispensing the medical cannabis to the cardholder in accordance with pharmacy practice standards;

- (iv) package any medical cannabis that is in a container that:
    - (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a container for unprocessed cannabis flower in the definition of "medicinal dosage form" in Section 26-61a-102;
    - (B) is tamper-resistant and tamper-evident; and
    - (C) provides an opaque bag or box for the medical cannabis cardholder's use in transporting the container in public; and
  - (v) for a product that is a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, include a separate, off-label warning about the risks of over-consumption.
  - (b) A medical cannabis cardholder transporting or possessing the container described in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the medical cannabis pharmacist provides.
- (7)
- (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.
  - (b) A medical cannabis pharmacy may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.
- (8)
- (a) A medical cannabis pharmacy may not give, at no cost, a product that the medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).
  - (b) A medical cannabis pharmacy may give, at no cost, educational material related to the medical use of cannabis.
- (9) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.
- (10) A medical cannabis pharmacy may purchase and store medical cannabis devices regardless of whether the seller has a cannabis-related license under this title or Title 4, Chapter 41a, Cannabis Production Establishments.