

Effective 3/17/2021

Superseded 3/24/2022

26-61a-505 Advertising.

- (1) Except as provided in this section, a medical cannabis pharmacy may not advertise in any medium.
- (2) A medical cannabis pharmacy may advertise an employment opportunity at the medical cannabis pharmacy.
- (3)
 - (a) Notwithstanding any municipal or county ordinance prohibiting signage, a medical cannabis pharmacy may use signage on the outside of the medical cannabis pharmacy that:
 - (i) includes only:
 - (A) in accordance with Subsection (3)(b), the medical cannabis pharmacy's name, logo, and hours of operation; and
 - (B) a green cross; and
 - (ii) complies with local ordinances regulating signage.
 - (b) The department shall define standards for a medical cannabis pharmacy's name and logo to ensure a medical rather than recreational disposition.
- (4)
 - (a) A medical cannabis pharmacy may maintain a website that includes information about:
 - (i) the location and hours of operation of the medical cannabis pharmacy;
 - (ii) a product or service available at the medical cannabis pharmacy;
 - (iii) personnel affiliated with the medical cannabis pharmacy;
 - (iv) best practices that the medical cannabis pharmacy upholds; and
 - (v) educational material related to the medical use of cannabis, as defined by the department.
 - (b) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the educational material described in Subsection (4)(a).
- (5)
 - (a) A medical cannabis pharmacy may hold an educational event for the public or medical providers in accordance with this Subsection (5) and the rules described in Subsection (5)(c).
 - (b) A medical cannabis pharmacy may not include in an educational event described in Subsection (5)(a):
 - (i) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis Production Establishments;
 - (ii) any gift items or merchandise other than educational materials, as those terms are defined by the department;
 - (iii) any marketing for a specific product from the medical cannabis pharmacy or any other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or
 - (iv) a presenter other than the following:
 - (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
 - (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (D) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
 - (E) a medical practitioner, similar to the practitioners described in this Subsection (5)(b)(iv), who is licensed in another state or country;

- (F) a state employee; or
 - (G) if the presentation relates to a cannabis topic other than medical treatment or medical conditions, an individual whom the department approves based on the individual's background and credentials in the presented topic.
- (c) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the elements of and restrictions on the educational event described in Subsection (5)(a), including:
- (i) a minimum age of 21 years old for attendees; and
 - (ii) an exception to the minimum age for a medical cannabis patient cardholder who is at least 18 years old.