

Effective 3/24/2022

Renumbered 7/1/2023

26-61a-505 Advertising.

- (1) Except as provided in this section, a person may not advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.
- (2) Subject to Section 26-61a-116, a medical cannabis pharmacy may:
 - (a) advertise an employment opportunity at the medical cannabis pharmacy;
 - (b) notwithstanding any municipal or county ordinance prohibiting signage, use signage on the outside of the medical cannabis pharmacy that:
 - (i) includes only:
 - (A) in accordance with Subsection 26-61a-116(4), the medical cannabis pharmacy's name, logo, and hours of operation; and
 - (B) a green cross; and
 - (ii) complies with local ordinances regulating signage;
 - (c) advertise in any medium:
 - (i) the pharmacy's name and logo;
 - (ii) the location and hours of operation of the medical cannabis pharmacy;
 - (iii) a service available at the medical cannabis pharmacy;
 - (iv) personnel affiliated with the medical cannabis pharmacy;
 - (v) whether the medical cannabis pharmacy is licensed as a home delivery medical cannabis pharmacy;
 - (vi) best practices that the medical cannabis pharmacy upholds; and
 - (vii) educational material related to the medical use of cannabis, as defined by the department;
 - (d) hold an educational event for the public or medical providers in accordance with Subsection (3) and the rules described in Subsection (4); and
 - (e) maintain on the medical cannabis pharmacy's website non-promotional information regarding the medical cannabis pharmacy's inventory.
- (3) A medical cannabis pharmacy may not include in an educational event described in Subsection (2)(d):
 - (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis Production Establishments;
 - (b) any gift items or merchandise other than educational materials, as those terms are defined by the department;
 - (c) 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
 - (d) a presenter other than the following:
 - (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
 - (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
 - (v) a medical practitioner, similar to the practitioners described in this Subsection (3)(d)(v), who is licensed in another state or country;
 - (vi) a state employee; or

- (vii) 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.
- (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define:
- (a) the educational material described in Subsection (2)(c)(vii); and
 - (b) the elements of and restrictions on the educational event described in Subsection (3), 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.