

Effective 5/3/2023

Effective until 5/1/2024

26B-4-201 Definitions.

As used in this part:

- (1) "Active tetrahydrocannabinol" means THC, any THC analog, and tetrahydrocannabinolic acid.
- (2) "Advertise" or "advertising" means information provided by a medical cannabis pharmacy in any medium:
 - (a) to the public; and
 - (b) that is not age restricted to an individual who is at least 21 years old.
- (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in Section 26B-1-435.
- (4) "Cannabis Research Review Board" means the Cannabis Research Review Board created in Section 26B-1-420.
- (5) "Cannabis" means marijuana.
- (6) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41a-102.
- (7) "Cannabis processing facility" means the same as that term is defined in Section 4-41a-102.
- (8) "Cannabis product" means a product that:
 - (a) is intended for human use; and
 - (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total concentration of 0.3% or greater on a dry weight basis.
- (9) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102.
- (10) "Cannabis production establishment agent" means the same as that term is defined in Section 4-41a-102.
- (11) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41a-102.
- (12) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.
- (13) "Conditional medical cannabis card" means an electronic medical cannabis card that the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an applicant for a medical cannabis card to access medical cannabis during the department's review of the application.
- (14) "Controlled substance database" means the controlled substance database created in Section 58-37f-201.
- (15) "Delivery address" means:
 - (a) for a medical cannabis cardholder who is not a facility, the medical cannabis cardholder's home address; or
 - (b) for a medical cannabis cardholder that is a facility, the facility's address.
- (16) "Department" means the Department of Health and Human Services.
- (17) "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 26B-4-214; or
 - (b)
 - (i) a facility that an individual designates as a designated caregiver in accordance with Subsection 26B-4-214(1)(b); or
 - (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).

- (18) "Directions of use" means recommended routes of administration for a medical cannabis treatment and suggested usage guidelines.
- (19) "Dosing guidelines" means a quantity range and frequency of administration for a recommended treatment of medical cannabis.
- (20) "Financial institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.
- (21) "Government issued photo identification" means any of the following forms of identification:
 - (a) a valid state-issued driver license or identification card;
 - (b) a valid United States federal-issued photo identification, including:
 - (i) a United States passport;
 - (ii) a United States passport card;
 - (iii) a United States military identification card; or
 - (iv) a permanent resident card or alien registration receipt card; or
 - (c) a foreign passport.
- (22) "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 delivery address to fulfill electronic orders that the state central patient portal facilitates.
- (23) "Inventory control system" means the system described in Section 4-41a-103.
- (24) "Legal dosage limit" means an amount that:
 - (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant recommending medical provider or the state central patient portal or pharmacy medical provider, in accordance with Subsection 26B-4-230(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.
- (25) "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.
- (26) "Limited medical provider" means an individual who:
 - (a) meets the recommending qualifications; and
 - (b) has no more than 15 patients with a valid medical cannabis patient card or provisional patient card as a result of the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- (27) "Marijuana" means the same as that term is defined in Section 58-37-2.
- (28) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
- (29) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- (30) "Medical cannabis cardholder" means:
 - (a) a holder of a medical cannabis card; or
 - (b) a facility or assigned employee, described in Subsection(17)(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 26B-4-214(1)(b); and
 - (ii) while in possession of documentation that establishes:

- (A) a caregiver designation described in Subsection 26B-4-214(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.
- (31) "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.
- (32) "Medical cannabis courier" means the same as that term is defined in Section 4-41a-102.
- (33) "Medical cannabis courier agent" means the same as that term is defined in Section 4-41a-102.
- (34)
- (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.
- (35) "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.
- (36) "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.
- (37) "Medical cannabis pharmacy" means a person that:
- (a)
 - (i) acquires or intends to acquire medical cannabis or a cannabis product in a medicinal dosage form from a cannabis processing facility or another medical cannabis pharmacy or a medical cannabis device; or
 - (ii) possesses medical cannabis or a medical cannabis device; and
 - (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical cannabis cardholder.
- (38) "Medical cannabis pharmacy agent" means an individual who holds a valid medical cannabis pharmacy agent registration card issued by the department.
- (39) "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.
- (40) "Medical cannabis shipment" means the same as that term is defined in Section 4-41a-102.
- (41) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.
- (42)
- (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 that, after December 1, 2022, does not exceed 30 ml;
 - (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;
 - (I) a resin or wax; or
 - (J) an aerosol; or
- (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 bag or box 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 .
- (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 (42)(a)(ii) for use; and
 - (ii) does not exceed the quantity described in Subsection (42)(a)(ii).
- (c) "Medicinal dosage form" does not include:
- (i) any unprocessed cannabis flower outside of the container described in Subsection (42)(a)(ii), except as provided in Subsection (42)(b);
 - (ii) any unprocessed cannabis flower in a container described in Subsection (42)(a)(ii) after the legal use termination date;
 - (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;
 - (iv) a liquid suspension that is branded as a beverage ; or
 - (v) a substance described in Subsection (42)(a)(i) or (ii) if the substance is not measured in grams, milligrams, or milliliters.
- (43) "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 26B-4-203.
- (44) "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.
- (45) "Pharmacy medical provider" means the medical provider required to be on site at a medical cannabis pharmacy under Section 26B-4-219.
- (46) "Provisional patient card" means a card that:
- (a) the department issues to a minor with a qualifying condition for whom:
 - (i) a recommending 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.

- (47) "Qualified medical provider" means an individual:
 - (a) who meets the recommending qualifications; and
 - (b) whom the department registers to recommend treatment with cannabis in a medicinal dosage form under Section 26B-4-204.
- (48) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section 26B-1-310.
- (49) "Qualifying condition" means a condition described in Section 26B-4-203.
- (50) "Recommend" or "recommendation" means, for a recommending 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 recommending medical provider's discretion, directions of use, with or without dosing guidelines.
- (51) "Recommending medical provider" means a qualified medical provider or a limited medical provider.
- (52) "Recommending qualifications" means that an individual:
 - (a)
 - (i) has the authority to write a prescription;
 - (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act; and
 - (iii) possesses the authority, in accordance with the individual's scope of practice, to prescribe a Schedule II controlled substance; and
 - (b) is licensed as:
 - (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
 - (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act;
 - (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (53) "State central patient portal" means the website the department creates, in accordance with Section 26B-4-236, to facilitate patient safety, education, and an electronic medical cannabis order.
- (54) "State electronic verification system" means the system described in Section 26B-4-202.
- (55) "Targeted marketing" means the promotion by a medical cannabis pharmacy of a medical cannabis product, medical cannabis brand, or a medical cannabis device using any of the following methods:
 - (a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information from the medical cannabis pharmacy;
 - (b) an in-person marketing event that is:
 - (i) held inside a medical cannabis pharmacy; and
 - (ii) in an area where only a medical cannabis cardholder may access the event; or
 - (c) other marketing material that is physically available or digitally displayed in:
 - (i) a medical cannabis pharmacy; and
 - (ii) an area where only a medical cannabis cardholder has access.
- (56) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- (57) "THC analog" means the same as that term is defined in Section 4-41-102.