

Effective 7/1/2025

26B-4-203 Qualifying condition.

- (1) By designating a particular condition under Subsection (2) for which the use of medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state that:
 - (a) current scientific evidence clearly supports the efficacy of a medical cannabis treatment for the condition; or
 - (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- (2) For the purposes of this part, each of the following conditions is a qualifying condition:
 - (a) HIV or acquired immune deficiency syndrome;
 - (b) Alzheimer's disease;
 - (c) amyotrophic lateral sclerosis;
 - (d) cancer;
 - (e) cachexia;
 - (f) persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to:
 - (i) pregnancy;
 - (ii) cannabis-induced cyclical vomiting syndrome; or
 - (iii) cannabinoid hyperemesis syndrome;
 - (g) Crohn's disease or ulcerative colitis;
 - (h) epilepsy or debilitating seizures;
 - (i) multiple sclerosis or persistent and debilitating muscle spasms;
 - (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental health therapist, as that term is defined in Section 58-60-102, and that:
 - (i) has been diagnosed by a healthcare provider or mental health provider employed or contracted by the United States Veterans Administration, evidenced by copies of medical records from the United States Veterans Administration that are included as part of the recommending medical provider's pre-treatment assessment and medical record documentation; or
 - (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of the patient, by a provider who is:
 - (A) a licensed board-eligible or board-certified psychiatrist;
 - (B) a licensed psychologist with a master's-level degree;
 - (C) a licensed clinical social worker with a master's-level degree;
 - (D) a licensed advanced practice registered nurse who is qualified to practice within the psychiatric mental health nursing specialty and who has completed the clinical practice requirements in psychiatric mental health nursing, including in psychotherapy, in accordance with Subsection 58-31b-302(5)(g); or
 - (E) a licensed physician assistant who is qualified to specialize in mental health care under Section 58-70a-501.1;
 - (k) autism;
 - (l) a terminal illness when the patient's remaining life expectancy is less than six months;
 - (m) a condition resulting in the individual receiving hospice care;
 - (n) a rare condition or disease that:
 - (i) affects less than 200,000 individuals in the United States, as defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and
 - (ii) is not adequately managed despite treatment attempts using:
 - (A) conventional medications other than opioids or opiates; or
 - (B) physical interventions;

- (o) pain lasting longer than two weeks that is not adequately managed, in the recommending medical provider's opinion, despite treatment attempts using:
 - (i) conventional medications other than opioids or opiates; or
 - (ii) physical interventions;
- (p) pain that is expected to last for two weeks or longer for an acute condition, including a surgical procedure, for which a medical professional may generally prescribe opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and
- (q) a condition that the Compassionate Use Board approves under Section 26B-1-421, on an individual, case-by-case basis.

Amended by Chapter 392, 2025 General Session