

Effective 5/6/2026

**26B-4-216 Medical cannabis card -- Patient and designated caregiver requirements --
Rebuttable presumption.**

- (1)
- (a) A medical cannabis cardholder who possesses medical cannabis that the cardholder purchased under this part:
 - (i) shall carry:
 - (A) at all times the cardholder's medical cannabis card; and
 - (B) with the medical cannabis, a label that identifies that the medical cannabis was sold from a licensed medical cannabis pharmacy and includes an identification number that links the medical cannabis to the inventory control system;
 - (ii) may possess up to the legal dosage limit of:
 - (A) unprocessed cannabis in medicinal dosage form; and
 - (B) a cannabis product in medicinal dosage form;
 - (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);
 - (iv) may only possess the medical cannabis in the container in which the cardholder received the medical cannabis from the medical cannabis pharmacy; and
 - (v) may not alter or remove any label described in Section 4-41a-602 from the container described in Subsection (1)(a)(iv).
 - (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who possesses medical cannabis in violation of Subsection (1)(a) is:
 - (i) guilty of an infraction; and
 - (ii) subject to a \$100 fine.
 - (c) A medical cannabis cardholder or a nonresident patient who possesses medical cannabis in an amount that is greater than the legal dosage limit and equal to or less than twice the legal dosage limit is:
 - (i) for a first offense:
 - (A) guilty of an infraction; and
 - (B) subject to a fine of up to \$100; and
 - (ii) for a second or subsequent offense:
 - (A) guilty of a class B misdemeanor; and
 - (B) subject to a fine of \$1,000.
 - (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is not guilty of a violation of Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the conduct underlying the penalty described in Subsection (1)(b) or (c).
 - (e) A nonresident patient who possesses medical cannabis that is not in a medicinal dosage form is:
 - (i) for a first offense:
 - (A) guilty of an infraction; and
 - (B) subject to a fine of up to \$100; and
 - (ii) for a second or subsequent offense, is subject to the penalties described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.
 - (f) A medical cannabis cardholder or a nonresident patient who possesses medical cannabis in an amount that is greater than twice the legal dosage limit is subject to the penalties described in Title 58, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

- (2)
- (a) As used in this Subsection (2), "emergency medical condition" means the same as that term is defined in Section 31A-1-301.
 - (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a provisional patient cardholder, or a nonresident patient may not use, in public view, medical cannabis or a cannabis product.
 - (c) In the event of an emergency medical condition, an individual described in Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
 - (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:
 - (i) for a first offense:
 - (A) guilty of an infraction; and
 - (B) subject to a fine of up to \$100; and
 - (ii) for a second or subsequent offense:
 - (A) guilty of a class B misdemeanor; and
 - (B) subject to a fine of \$1,000.
- (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis product:
- (a) there is a rebuttable presumption that the cardholder possesses the cannabis, cannabis product, or medical cannabis device legally; and
 - (b) there is no probable cause, based solely on the cardholder's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device, to believe that the cardholder is engaging in illegal activity.
- (4)
- (a) If a law enforcement officer stops an individual who possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, and the individual represents to the law enforcement officer that the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis card in the individual's possession at the time of the stop by the law enforcement officer, the law enforcement officer shall attempt to access the state electronic verification system to determine whether the individual holds a valid medical cannabis card.
 - (b) If the law enforcement officer is able to verify that the individual described in Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:
 - (i) may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and
 - (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

Amended by Chapter 362, 2026 General Session