

Effective 12/3/2018

Part 1 General Provisions

4-41a-102 Definitions.

As used in this chapter:

- (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be injurious to health, including:
 - (a) pesticides;
 - (b) heavy metals;
 - (c) solvents;
 - (d) microbial life;
 - (e) artificially derived cannabinoid;
 - (f) toxins; or
 - (g) foreign matter.
- (2) "Advertise" or "advertising" means information provided by a person 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 4-41a-111.
- (4)
 - (a) "Anticompetitive business practice" means any practice that is an illegal anticompetitive activity under Section 76-16-510.
 - (b) "Anticompetitive business practice" may include:
 - (i) agreements that may be considered unreasonable when competitors interact to the extent that they are:
 - (A) no longer acting independently; or
 - (B) when collaborating are able to wield market power together;
 - (ii) monopolizing or attempting to monopolize trade by:
 - (A) acting to maintain or acquire a dominant position in the market; or
 - (B) preventing new entry into the market; or
 - (iii) other conduct outlined in rule.
- (5)
 - (a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the cannabis plant.
 - (b) "Artificially derived cannabinoid" does not include:
 - (i) a naturally occurring chemical substance that is separated from the cannabis plant by a chemical or mechanical extraction process; or
 - (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.
- (6) "Batch" means a quantity of:
 - (a) cannabis extract produced on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which lots of cannabis are used;

- (b) cannabis product produced on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which cannabis extract is used; or
 - (c) cannabis flower packaged on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which lots of cannabis are being used.
- (7) "Cannabis Research Review Board" means the Cannabis Research Review Board created in Section 26B-1-420.
- (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (9) "Cannabis concentrate" means:
- (a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; and
 - (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an artificially derived cannabinoid's purified state.
- (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not intended to be sold as a cannabis plant product.
- (11) "Cannabis cultivation facility" means a person that:
- (a) possesses cannabis;
 - (b) grows or intends to grow cannabis; and
 - (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.
- (12) "Cannabis cultivation facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis cultivation facility designation.
- (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- (14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in a form that is recognizable as a portion of a cannabis plant.
- (15) "Cannabis processing facility" means a person that:
- (a) acquires or intends to acquire cannabis from a cannabis production establishment;
 - (b) possesses cannabis with the intent to manufacture a cannabis product;
 - (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
 - (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.
- (16) "Cannabis processing facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis processing facility designation.
- (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- (18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
- (19) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- (20) "Cannabis production establishment agent registration card" means a registration card that the department issues that:
- (a) authorizes an individual to act as a cannabis production establishment agent; and
 - (b) designates the type of cannabis production establishment for which an individual is authorized to act as an agent.

- (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home delivery medical cannabis pharmacy for delivering medical cannabis.
- (22) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.
- (23) "Cultivation space" means, quantified in square feet, the horizontal area in which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other plants in multiple levels.
- (24) "Delivery address" means:
 - (a) for a medical cannabis cardholder who is not a facility:
 - (i) the medical cannabis cardholder's home address; or
 - (ii) an address designated by the medical cannabis cardholder that:
 - (A) is the medical cannabis cardholder's workplace; and
 - (B) is not a community location; or
 - (b) for a medical cannabis cardholder that is a facility, the facility's address.
- (25) "Department" means the Department of Agriculture and Food.
- (26) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- (27) "Government issued photo identification" means the same as that term is defined in Section 26B-4-201, including expired identification in accordance with Section 26B-4-244.
- (28) "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.
- (29)
 - (a) "Independent cannabis testing laboratory" means a person that:
 - (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
 - (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.
 - (b) "Independent cannabis testing laboratory" includes a laboratory that the department or a research university operates in accordance with Subsection 4-41a-201(14).
- (30) "Independent cannabis testing laboratory agent" means an individual who holds a valid cannabis production establishment agent registration card with an independent cannabis testing laboratory designation.
- (31) "Inventory control system" means a system described in Section 4-41a-103.
- (32) "Licensing board" or "board" means the Specialized Product Authority Licensing Board created in Section 4-41a-201.1.
- (33) "Medical cannabis" or "medical cannabis product" means the same as that term is defined in Section 26B-4-201.
- (34) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- (35) "Medical cannabis courier" means a courier that:
 - (a) the department licenses in accordance with Section 4-41a-1201; and
 - (b) contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments to fulfill electronic orders.
- (36) "Medical cannabis courier agent" means an individual who:
 - (a) is an employee of a medical cannabis courier; and
 - (b) who holds a valid medical cannabis courier agent registration card.
- (37) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.

- (38) "Medical cannabis pharmacy agent" means the same as that term is defined in Section 26B-4-201.
- (39) "Medical cannabis research license" means a license that the department issues to a research university for the purpose of obtaining and possessing medical cannabis for academic research.
- (40) "Medical cannabis research licensee" means a research university that the department licenses to obtain and possess medical cannabis for academic research, in accordance with Section 4-41a-901.
- (41) "Medical cannabis shipment" means a shipment of medical cannabis that a home delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis order.
- (42) "Medical cannabis treatment" means the same as that term is defined in Section 26B-4-201.
- (43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- (44) "Patient product information insert" means the same as that term is defined in Section 26B-4-201.
- (45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of medical cannabis pharmacy licenses issued by the department rounded down to the nearest whole number.
- (46) "Pharmacy medical provider" means the same as that term is defined in Section 26B-4-201.
- (47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- (48) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
- (49) "Research university" means the same as that term is defined in Section 53H-8-202 and a private, nonprofit college or university in the state that:
 - (a) is accredited by the Northwest Commission on Colleges and Universities;
 - (b) grants doctoral degrees; and
 - (c) has a laboratory containing or a program researching a schedule I controlled substance described in Section 58-37-108.
- (50) "State electronic verification system" means the system described in Section 26B-4-202.
- (51) "Targeted marketing" means the promotion of medical cannabis, a 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;
 - (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;
 - (c) other marketing material that is physically available or digitally displayed in a medical cannabis pharmacy; or
 - (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is provided to an individual when obtaining medical cannabis:
 - (i) in the medical cannabis pharmacy;
 - (ii) at the medical cannabis pharmacy's drive-through pick up window; or
 - (iii) in a medical cannabis shipment.
- (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section 4-41-102.
- (53) "Tier one cannabis processing facility" means a cannabis processing facility that is able to:
 - (a) create cannabis concentrate;
 - (b) create cannabis derivative product; and
 - (c) package and label medical cannabis.

- (54) "Tier two cannabis processing facility" means a cannabis processing facility that is able to package and label medical cannabis only if the medical cannabis is a cannabis plant product.
- (55) "THC analog" means the same as that term is defined in Section 4-41-102.
- (56) "Total composite tetrahydrocannabinol" means all detectable forms of tetrahydrocannabinol.
- (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in Section 4-41-102.

Amended by Chapter 362, 2026 General Session

4-41a-103 Inventory control system.

- (1) Each cannabis production establishment and each medical cannabis pharmacy shall maintain an inventory control system that meets the requirements of this section.
- (2) A cannabis production establishment and a medical cannabis pharmacy shall ensure that the inventory control system maintained by the establishment or pharmacy:
- (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis plant is eight inches tall and has a root ball until the cannabis is disposed of or sold, in the form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card;
 - (b) maintains in real time a record of the amount of cannabis and cannabis products in the possession of the establishment or pharmacy; and
 - (c) preserves compatibility with the state electronic verification system described in Section 26B-4-202.
- (3) A cannabis production establishment and a medical cannabis pharmacy shall allow the following to access the cannabis production establishment's or the medical cannabis pharmacy's inventory control system at any time:
- (a) the department; and
 - (b) the Department of Health and Human Services.
- (4) The department may establish compatibility standards for an inventory control system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5)
- (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for aggregate or batch records regarding the planting and propagation of cannabis before being tracked in an inventory control system described in this section.
 - (b) The department shall ensure that the rules described in Subsection (5)(a) address record-keeping for the amount of planted seed, number of cuttings taken, date and time of cutting and planting, number of plants established, and number of plants culled or dead.
- (6)
- (a) The department may provide reports from the inventory control system to a financial institution to allow them to reconcile transactions and other financial activity of cannabis production establishments, medical cannabis pharmacies, and medical cannabis couriers that use financial services that the financial institution provides.
 - (b) A report:
 - (i) may only include information related to financial transactions; and
 - (ii) may not include any identifying patient information.

Amended by Chapter 414, 2025 General Session

4-41a-104 Qualified Production Enterprise Fund -- Creation -- Revenue neutrality.

- (1) There is created an enterprise fund known as the "Qualified Production Enterprise Fund."
- (2) The fund created in this section is funded from:
 - (a) money the department deposits into the fund under this chapter;
 - (b) appropriations the Legislature makes to the fund;
 - (c) the interest described in Subsection (3); and
 - (d) the fee described in Subsection (6).
- (3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into the fund.
- (4) The department may use money in the fund to fund the department's implementation of:
 - (a) this chapter;
 - (b) Chapter 41, Hemp and Cannabinoid Act; or
 - (c) Chapter 45, Kratom Consumer Protection Act.
- (5) The department shall set fees authorized under this chapter in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement this chapter.
- (6) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that the department sets in accordance with Section 63J-1-504.

Amended by Chapter 421, 2026 General Session

4-41a-104.1 Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality -- Uniform fee.

- (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
- (2) The fund created in this section is funded from:
 - (a) money the department deposits into the fund under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
 - (b) appropriations the Legislature makes to the fund; and
 - (c) the interest described in Subsection (3).
- (3) Interest earned on the fund shall be deposited into the fund.
- (4)
 - (a) Except as provided in Subsection (4)(b), money deposited into the fund may only be used by:
 - (i) the department to accomplish the department's responsibilities described in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
 - (ii) the Center for Medical Cannabis Research created in Section 53H-4-206 to accomplish the Center for Medical Cannabis Research's responsibilities; and
 - (iii) the department for employing the licensing board;
 - (iv) if there is remaining money in the fund balance on June 30 of each fiscal year after all other financial obligations under this Subsection (4) are met, the department shall provide up to \$300,000 for expenditure the next fiscal year to the nonprofit contracting entity described in Section 26B-4-248; and
 - (v) the Center for Medical Cannabis Research created in Section 53H-4-206 in an amount of \$1,250,000 that:
 - (A) may be withdrawn each July 1 ending on July 1, 2030, subject to the department's determination that there are sufficient funds in the account to provide the amount described in this Subsection (4)(d); and
 - (B) may be used for additional research conducted by the Center for Medical Cannabis Research.
 - (b) For money deposited under Section 4-45a-102, the department shall:

- (i) use 10% of the money to the Department of Health and Human Services for tobacco and nicotine prevention purposes; and
 - (ii) use the remainder of the money to:
 - (A) expand and improve testing services at the state lab; and
 - (B) enforce Title 4, Chapter 45a, Specialized Product Regulation.
- (5) The department shall set fees authorized under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- (6) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets in accordance with Section 63J-1-504.

Renumbered and Amended by Chapter 421, 2026 General Session

4-41a-105 Agreement with a tribe.

- (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian band.
- (2)
 - (a) In accordance with this section, the governor may enter into an agreement with a tribe to allow for the operation of a cannabis production establishment or a medical cannabis pharmacy on tribal land located within the state.
 - (b) An agreement described in Subsection (2)(a) may not exempt any person from the requirements of this chapter.
 - (c) The governor shall ensure that an agreement described in Subsection (2)(a):
 - (i) is in writing;
 - (ii) is signed by:
 - (A) the governor; and
 - (B) the governing body of the tribe that the tribe designates and has the authority to bind the tribe to the terms of the agreement;
 - (iii) states the effective date of the agreement;
 - (iv) provides that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute; and
 - (v) includes any accommodation that the tribe makes:
 - (A) to which the tribe agrees; and
 - (B) that is reasonably related to the agreement.
 - (d) Before executing an agreement under this Subsection (2), the governor shall consult with the department.
 - (e) At least 30 days before the execution of an agreement described in this Subsection (2), the governor or the governor's designee shall provide a copy of the agreement in the form in which the agreement will be executed to:
 - (i) the chairs of the Native American Legislative Liaison Committee; and
 - (ii) the Office of Legislative Research and General Counsel.

Amended by Chapter 273, 2023 General Session

4-41a-106 Severability clause.

- (1) If a final decision of a court of competent jurisdiction holds invalid any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1 or the application of any provision of this

title or Laws of Utah 2018, Third Special Session, Chapter 1 to any person or circumstance, the remaining provisions of this title and Laws of Utah 2018, Third Special Session, Chapter 1 remain effective without the invalidated provision or application.

- (2) The provisions of this title and Laws of Utah 2018, Third Special Session, Chapter 1 are severable.

Enacted by Chapter 1, 2018 Special Session 3

4-41a-107 Notice to prospective and current public employees.

- (1)
- (a) A state employer or a political subdivision employer shall take the action described in Subsection (1)(b) before:
 - (i) giving to a current employee an assignment or duty that arises from or directly relates to an obligation under this chapter; or
 - (ii) hiring a prospective employee whose assignments or duties would include an assignment or duty that arises from or directly relates to an obligation under this chapter.
 - (b) The employer described in Subsection (1)(a) shall give the employee or prospective employee described in Subsection (1)(a) a written notice that notifies the employee or prospective employee:
 - (i) that the employee's or prospective employee's job duties may require the employee or prospective employee to engage in conduct which is in violation of the criminal laws of the United States; and
 - (ii) that in accepting a job or undertaking a duty described in Subsection (1)(a), although the employee or prospective employee is entitled to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to carry out an assignment or duty that may be a violation of the criminal laws of the United States with respect to the manufacture, sale, or distribution of cannabis.
- (2) The Division of Human Resource Management shall create, revise, and publish the form of the notice described in Subsection (1).
- (3) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice described in Subsection (1) may not:
- (a) claim in good faith that the employee's actions violate or potentially violate the laws of the United States with respect to the manufacture, sale, or distribution of cannabis; or
 - (b) refuse to carry out a directive that the employee reasonably believes violates the criminal laws of the United States with respect to the manufacture, sale, or distribution of cannabis.
- (4) An employer of an employee who has signed the notice described in Subsection (1) may not take retaliatory action as defined in Section 67-19a-101 against a current employee who refuses to sign the notice described in Subsection (1).

Amended by Chapter 344, 2021 General Session

4-41a-109 Advertising.

- (1) Except as provided in this chapter, a person may not advertise regarding the recommendation, sale, dispensing, or transportation of medical cannabis, including:
- (a) a promotional discount or incentive;
 - (b) a particular medical cannabis product, medical cannabis device, medical cannabis brand, or medicinal dosage form; or
 - (c) an assurance of a medical outcome related to a medical cannabis treatment.

- (2) Notwithstanding Subsection (1):
- (a) a nonprofit organization that offers financial assistance for medical cannabis treatment to low-income patients may advertise the organization's assistance if the advertisement does not relate to a specific medical cannabis pharmacy or a specific medical cannabis product; and
 - (b) a medical cannabis pharmacy may provide information regarding subsidies for the cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy information.
- (3) To ensure that the name and logo of a licensee under this chapter have a medical rather than a recreational disposition, the name and logo of the licensee:
- (a) may include terms and images associated with:
 - (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy," "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate," "relief," "treatment," and "patient;" or
 - (ii) the plant form of cannabis, including "leaf," "flower," and "bloom;" and
 - (b) may not include:
 - (i) any term, statement, design representation, picture, or illustration that is associated with a recreational disposition or that appeals to children;
 - (ii) an emphasis on a psychoactive ingredient;
 - (iii) a specific cannabis strain; or
 - (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."
- (4) The department shall define standards for advertising authorized under this chapter, including names and logos in accordance with Subsection (3), to ensure a medical rather than recreational disposition.

Renumbered and Amended by Chapter 273, 2023 General Session

Renumbered and Amended by Chapter 307, 2023 General Session

Amended by Chapter 307, 2023 General Session, (Coordination Clause)

Amended by Chapter 317, 2023 General Session

4-41a-110 Department coordination with the advisory board.

The department shall:

- (1) provide draft rules made under this chapter to the advisory board for the advisory board's review;
- (2) consult with the advisory board before issuing an additional:
 - (a) cultivation facility license under Section 4-41a-205; or
 - (b) pharmacy license under Section 4-41a-1005;
- (3) consult with the advisory board regarding fees set by the department that pertain to the medical cannabis program; and
- (4) when appropriate, consult with the advisory board regarding issues that arise in the medical cannabis program.

Enacted by Chapter 273, 2023 General Session

4-41a-111 Medical Cannabis Policy Advisory Board creation -- Membership -- Duties.

- (1) There is created within the department the Medical Cannabis Policy Advisory Board.

- (2)
 - (a) The advisory board shall consist of the following members:
 - (i) appointed by the commissioner of the Department of Agriculture and Food:
 - (A) an individual who owns or operates a licensed cannabis cultivation facility, as defined in Section 4-41a-102;
 - (B) an individual who owns or operates a licensed medical cannabis pharmacy;
 - (C) a law enforcement officer;
 - (D) a recommending medical provider who has recommended medical cannabis to at least 100 patients before being appointed;
 - (E) a mental health specialist;
 - (F) an individual who represents an organization that advocates for medical cannabis patients;
 - (G) a member of the general public who holds a medical cannabis patient card; and
 - (H) a member of the general public who does not hold a medical cannabis card; and
 - (ii) a representative from the Center for Medical Cannabis Research created in Section 53H-4-206, appointed by the Center for Medical Cannabis Research.
 - (b) The commissioner of the Department of Agriculture and Food shall ensure that at least one individual appointed under Subsection (2)(a)(i)(A) or (B) also owns or operates a licensed cannabis processing facility.
- (3)
 - (a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four year term.
 - (b) When appointing the initial membership of the advisory board, the executive director and the commissioner of the Department of Agriculture and Food shall coordinate to appoint four advisory board members to serve a term of two years to ensure that approximately half of the board is appointed every two years.
- (4)
 - (a) If an advisory board member is no longer able to serve as a member, a new member shall be appointed in the same manner as the original appointment.
 - (b) A member appointed in accordance with Subsection (4)(a) shall serve for the remainder of the unexpired term of the original appointment.
- (5)
 - (a) A majority of the advisory board members constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the advisory board.
 - (c) For a term lasting one year, the advisory board shall annually designate members of the advisory board to serve as chair and vice-chair.
 - (d) When designating the chair and vice-chair, the advisory board shall ensure that at least one individual described in Subsections (2)(a)(i)(D) through (H) is appointed as chair or vice-chair.
- (6) An advisory board member may not receive compensation or benefits for the member's service on the advisory board but may receive per diem and reimbursement for travel expenses incurred as an advisory board member in accordance with:
 - (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The licensing board shall:
 - (a) provide staff support for the advisory board; and
 - (b) assist the advisory board in conducting meetings.
- (8) The advisory board may recommend:
 - (a) to the department changes to current or proposed medical cannabis rules or statutes; and

- (b) to the appropriate legislative committee whether the advisory board supports a change to medical cannabis statutes.
- (9) The advisory board shall:
 - (a) review any draft rule that is authorized under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or this chapter;
 - (b) consult with the department regarding the issuance of an additional:
 - (i) cultivation facility license under Section 4-41a-205; or
 - (ii) pharmacy license under Section 4-41a-1005;
 - (c) consult with the department regarding cannabis patient education;
 - (d) consult regarding the reasonableness of any fees set by the department that pertain to the medical cannabis program; and
 - (e) consult regarding any issue pertaining to medical cannabis when asked by the department.

Renumbered and Amended by Chapter 421, 2026 General Session

4-41a-112 Compassionate Use Board.

- (1)
 - (a) The licensing board shall establish a Compassionate Use Board consisting of:
 - (i) seven recommending medical providers that the commissioner appoints with the advice and consent of the Senate:
 - (A) who are knowledgeable about the medicinal use of cannabis;
 - (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
 - (C) who are board certified by the American Board of Medical Specialties or an American Osteopathic Association Specialty Certifying Board in the specialty of neurology, pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, family medicine, or gastroenterology; and
 - (ii) as a nonvoting member and the chair of the Compassionate Use Board, the commissioner or the director's designee.
 - (b) In appointing the seven recommending medical providers described in Subsection (1)(a)(i), the commissioner shall ensure that at least two have a board certification in pediatrics.
- (2)
 - (a) Of the members of the Compassionate Use Board that the commissioner first appoints:
 - (i) three shall serve an initial term of two years; and
 - (ii) the remaining members shall serve an initial term of four years.
 - (b) After an initial term described in Subsection (2)(a) expires:
 - (i) each term is four years; and
 - (ii) each member is eligible for reappointment.
 - (c) A member of the Compassionate Use Board may serve until a successor is appointed.
 - (d) Four members constitute a quorum of the Compassionate Use Board.
- (3) A member of the Compassionate Use Board may receive:
 - (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's service; and
 - (b) travel expenses in accordance with Section 63A-3-107 and rules made by the Division of Finance in accordance with Section 63A-3-107.
- (4) The Compassionate Use Board shall:
 - (a) review and recommend for licensing board approval a petition to the Compassionate Use Board regarding an individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a

medical cannabis card to obtain a medical cannabis card for compassionate use, for the standard or a reduced period of validity, if:

- (i) for an individual who is not otherwise qualified to receive a medical cannabis card, the individual's recommending medical provider is actively treating the individual for an intractable condition that:
 - (A) substantially impairs the individual's quality of life; and
 - (B) has not, in the recommending medical provider's professional opinion, adequately responded to conventional treatments;
- (ii) the recommending medical provider:
 - (A) recommends that the individual or minor be allowed to use medical cannabis; and
 - (B) provides a letter, relevant treatment history, and notes or copies of progress notes describing relevant treatment history including rationale for considering the use of medical cannabis; and
- (iii) the Compassionate Use Board determines that:
 - (A) the recommendation of the individual's recommending medical provider is justified; and
 - (B) based on available information, it may be in the best interests of the individual to allow the use of medical cannabis;
- (b) when a recommending medical provider recommends that an individual described in Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c) be allowed to use a medical cannabis device or medical cannabis to vaporize a medical cannabis treatment, review and approve or deny the use of the medical cannabis device or medical cannabis;
- (c) unless no petitions are pending:
 - (i) meet to receive or review compassionate use petitions at least quarterly; and
 - (ii) if there are more petitions than the Compassionate Use Board can receive or review during the Compassionate Use Board's regular schedule, meet as often as necessary;
- (d) except as provided in Subsection (5), complete a review of each petition and recommend to the licensing board approval or denial of the applicant for qualification for a medical cannabis card within 90 days after the day on which the Compassionate Use Board received the petition; and
- (e) consult with the licensing board regarding the criteria described in Subsection (5).
- (5) The licensing board shall make rules, in consultation with the Compassionate Use Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process and criteria for a petition to the Compassionate Use Board to automatically qualify for expedited final review and approval or denial by the licensing board in cases where, in the determination of the licensing board and the Compassionate Use Board:
 - (a) time is of the essence;
 - (b) engaging the full review process would be unreasonable in light of the petitioner's physical condition; and
 - (c) sufficient factors are present regarding the petitioner's safety.
- (6)
 - (a)
 - (i) The licensing board shall review:
 - (A) any compassionate use for which the Compassionate Use Board recommends approval under Subsection (4)(d) to determine whether the Compassionate Use Board properly exercised the discretion under this section; and
 - (B) any expedited petitions the licensing board receives under the process described in Subsection (5).

- (ii) If the licensing board determines that the Compassionate Use Board properly exercised the Compassionate Use Board's discretion in recommending approval under Subsection (4)(d) or that the expedited petition merits approval based on the criteria established in accordance with Subsection (5), the licensing board shall:
 - (A) issue the relevant medical cannabis card; and
 - (B) provide for the renewal of the medical cannabis card in accordance with the recommendation of the recommending medical provider described in Subsection (4)(a).
- (b) If the Compassionate Use Board recommends denial under Subsection (4)(d), the individual seeking to obtain a medical cannabis card may petition the licensing board to review the Compassionate Use Board's decision.
- (c) In reviewing the Compassionate Use Board's recommendation for approval or denial under Subsection (4)(d) in accordance with this Subsection (6), the licensing board shall presume the Compassionate Use Board properly exercised the Compassionate Use Board's discretion unless the licensing board determines that the recommendation was arbitrary or capricious.
- (7) Any individually identifiable health information contained in a petition that the Compassionate Use Board or licensing board receives under this section is a protected record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (8) The Compassionate Use Board shall annually report activity to the advisory board.

Renumbered and Amended by Chapter 421, 2026 General Session