

**Effective 5/1/2024**

**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 26B-1-435.
- (4)
  - (a) "Anticompetitive business practice" means any practice that reduces the amount of competition in the medical cannabis market that would be considered an attempt to monopolize, as defined in Section 76-10-3103.
  - (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) "Cannabis Research Review Board" means the Cannabis Research Review Board created in Section 26B-1-420.
- (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (8) "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.

- (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not intended to be sold as a cannabis plant product.
- (10) "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.
- (11) "Cannabis cultivation facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis cultivation facility designation.
- (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- (13) "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.
- (14) "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.
- (15) "Cannabis processing facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis processing facility designation.
- (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
- (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- (19) "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.
- (20) "Closed-door medical cannabis pharmacy" means a facility operated by a home delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis product.
- (21) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.
- (22) "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.
- (23) "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.

- (24) "Department" means the Department of Agriculture and Food.
- (25) "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.
- (26) "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.
- (27) "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.
- (28)
  - (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).
- (29) "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.
- (30) "Inventory control system" means a system described in Section 4-41a-103.
- (31) "Licensing board" or "board" means the Cannabis Production Establishment and Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- (34) "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 that the state central patient portal facilitates.
- (35) "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.
- (36) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.
- (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section 26B-4-201.
- (38) "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.
- (39) "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.
- (40) "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 that the state central patient portal facilitates.
- (41) "Medical cannabis treatment" means the same as that term is defined in Section 26B-4-201.
- (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.

- (43) "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.
- (44) "Pharmacy medical provider" means the same as that term is defined in Section 26B-4-201.
- (45) "Qualified medical provider" means the same as that term is defined in Section 26B-4-201.
- (46) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- (47) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
- (48) "Research university" means the same as that term is defined in Section 53B-7-702 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 58-37-4.
- (49) "State electronic verification system" means the system described in Section 26B-4-202.
- (50) "Targeted marketing" means the promotion of a 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;
  - (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.
- (51) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section 4-41-102.
- (52) "THC analog" means the same as that term is defined in Section 4-41-102.
- (53) "Total composite tetrahydrocannabinol" means all detectable forms of tetrahydrocannabinol.
- (54) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in Section 4-41-102.

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