

Effective 7/1/2023

4-41a-404 Medical cannabis transportation.

- (1)
 - (a) Except as provided in Part 12, Medical Cannabis Home Delivery and Couriers, the following individuals may transport cannabis or a cannabis product under this chapter:
 - (i) a cannabis production establishment agent;
 - (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment that the cardholder is authorized to possess under this chapter;
 - (iii) a registered medical cannabis pharmacy agent;
 - (iv) a registered medical cannabis courier agent; and
 - (v) a registered pharmacy medical provider.
 - (b) Only an agent of a cannabis cultivation facility, when the agent is transporting cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.
- (2) Except for an individual with a valid medical cannabis card under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, who is transporting a medical cannabis treatment, an individual transporting cannabis or a cannabis product shall:
 - (a) be employed by the entity licensed under this chapter that is authorizing the transportation of the cannabis or cannabis product; and
 - (b) possess a transportation manifest that:
 - (i) includes a unique identifier that links the cannabis or cannabis product to a relevant inventory control system;
 - (ii) includes origin and destination information for any cannabis or cannabis product that the individual is transporting; and
 - (iii) identifies the departure and arrival times and locations of the individual transporting the cannabis or cannabis product.
- (3)
 - (a) In addition to the requirements in Subsections (1) and (2), the department may establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis or cannabis product to ensure that the cannabis or cannabis product remains safe for human consumption.
 - (b) The transportation described in Subsection (3)(a) is limited to transportation:
 - (i) between a cannabis production establishment and another cannabis production establishment;
 - (ii) between a cannabis processing facility and a medical cannabis pharmacy; and
 - (iii) a medical cannabis pharmacy and:
 - (A) another medical cannabis pharmacy; or
 - (B) for a medical cannabis shipment, a delivery address.
- (4)
 - (a) It is unlawful for a registered cannabis production establishment agent to make a transport described in this section with a manifest that does not meet the requirements of this section.
 - (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:
 - (i) guilty of an infraction; and
 - (ii) subject to a \$100 fine.
 - (c) An individual who is guilty of a violation described in Subsection (4)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (4)(b).

- (d) If the agent described in Subsection (4)(a) is transporting more cannabis or cannabis product than the manifest identifies, except for a de minimis administrative error:
 - (i) the penalty described in Subsection (4)(b) does not apply; and
 - (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.
- (5) Nothing in this section prevents the department from taking administrative enforcement action against a cannabis production establishment, medical cannabis pharmacy, medical cannabis courier, or another person for failing to make a transport in compliance with the requirements of this section.
- (6) An individual other than an individual described in Subsection (1) may transport a medical cannabis device within the state if the transport does not also contain medical cannabis.

Amended by Chapter 273, 2023 General Session

Amended by Chapter 313, 2023 General Session

Amended by Chapter 327, 2023 General Session