

**Effective 3/17/2021**

**58-37-3.7 Medical cannabis decriminalization.**

- (1) As used in this section:
  - (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
  - (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
  - (c) "Legal dosage limit" means the same as that term is defined in Section 26-61a-102.
  - (d) "Medical cannabis card" means the same as that term is defined in Section 26-61a-102.
  - (e) "Medical cannabis device" means the same as that term is defined in Section 26-61a-102.
  - (f) "Medicinal dosage form" means the same as that term is defined in Section 26-61a-102.
  - (g) "Nonresident patient" means the same as that term is defined in Section 26-61a-102.
  - (h) "Qualifying condition" means the same as that term is defined in Section 26-61a-102.
  - (i) "Tetrahydrocannabinol" means the same as that term is defined in Section 58-37-3.9.
- (2) Before July 1, 2021, including during the period between January 1, 2021, and March 17, 2021, an individual is not guilty under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:
  - (a) at the time of the arrest or citation, the individual:
    - (i) for possession, was a medical cannabis cardholder; or
    - (ii) for use, was a medical cannabis patient cardholder or a minor with a provisional patient card under the supervision of a medical cannabis guardian cardholder; and
  - (b)
    - (i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or tetrahydrocannabinol is one of the following in an amount that does not exceed the legal dosage limit:
      - (A) unprocessed cannabis in a medicinal dosage form; or
      - (B) a cannabis product in a medicinal dosage form; and
    - (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical cannabis device.
- (3) A nonresident patient is not guilty under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:
  - (a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or tetrahydrocannabinol is one of the following in an amount that does not exceed the legal dosage limit:
    - (i) unprocessed cannabis in a medicinal dosage form; or
    - (ii) a cannabis product in a medicinal dosage form; and
  - (b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical cannabis device.
- (4)
  - (a) There is a rebuttable presumption against an allegation of use or possession of marijuana or tetrahydrocannabinol if:
    - (i) an individual fails a drug test based on the presence of tetrahydrocannabinol in the sample; and
    - (ii) the individual provides evidence that the individual possessed or used cannabidiol or a cannabidiol product.
  - (b) The presumption described in Subsection (4)(a) may be rebutted with evidence that the individual purchased or possessed marijuana or tetrahydrocannabinol that is not authorized under:
    - (i) Section 4-41-402; or
    - (ii) Title 26, Chapter 61a, Utah Medical Cannabis Act.

- (5)
- (a) An individual is not guilty under this chapter for the use or possession of marijuana drug paraphernalia if the drug paraphernalia is a medical cannabis device.
  - (b) Nothing in this section prohibits a person, either within the state or outside the state, from selling a medical cannabis device within the state.
  - (c) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act, to qualify for the protections of this section to sell a medical cannabis device.

Revisor instructions Chapter 337, 2021 General Session  
Amended by Chapter 337, 2021 General Session  
Amended by Chapter 350, 2021 General Session