

Effective 7/1/2023

78A-2-231 Consideration of lawful use or possession of medical cannabis.

- (1) As used in this section:
- (a) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
 - (b) "Directions of use" means the same as that term is defined in Section 26B-4-201.
 - (c) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
 - (d) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
 - (e) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
 - (f) "Medical cannabis device" means the same as that term is defined in Section 26B-4-201.
 - (g) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
- (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner makes a finding, determination, or otherwise considers an individual's medical cannabis card, medical cannabis recommendation from a recommending medical provider, or possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or court commissioner may not consider or treat the individual's card, recommendation, possession, or use any differently than the lawful possession or use of any prescribed controlled substance if:
- (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;
 - (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or
 - (c)
 - (i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and
 - (ii) the individual reasonably complies with the directions of use and dosing guidelines determined by the individual's recommending medical provider or through a consultation described in Subsection 26B-4-230(5).
- (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain from the use or possession of medical cannabis, a cannabis product, or a medical cannabis device, either directly or through a general prohibition on violating federal law, without an exception related to medical cannabis use, if the individual's use or possession complies with:
- (a) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
 - (b) Subsection 58-37-3.7(2) or (3).

Amended by Chapter 273, 2023 General Session

Amended by Chapter 317, 2023 General Session

Amended by Chapter 330, 2023 General Session

Amended by Chapter 330, 2023 General Session, (Coordination Clause)