

**Senator Evan J. Vickers** proposes the following substitute bill:

**MEDICAL CANNABIDIOL AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Brad M. Daw

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**LONG TITLE**

**General Description:**

This bill modifies and enacts provisions related to medical cannabidiol.

**Highlighted Provisions:**

This bill:

- ▶ allows an individual with a qualifying illness who registers with a state electronic verification system to possess and use cannabidiol under certain circumstances;
- ▶ directs the Department of Health to issue a medical cannabidiol card to an individual who meets the requirements of:
  - a qualified patient; or
  - a designated caregiver of a qualified patient;
- ▶ directs the Division of Occupational and Professional Licensing to issue:
  - a license to operate a cannabidiol dispensary to a person that meets certain qualifications; and
  - a registration card to an individual to act as an agent of a cannabidiol dispensary to an individual who meets certain qualifications;
- ▶ directs the Department of Agriculture and Food to issue:
  - a license to operate a cannabidiol production establishment to a person that meets certain qualifications; and



- 26 • a registration card to an individual to act as an agent of a medical cannabidiol
- 27 establishment if the individual meets certain qualifications;
- 28 ▶ requires a cannabidiol dispensary to report the distribution of cannabidiol to an
- 29 individual to the Utah Controlled Substance Database;
- 30 ▶ permits a political subdivision to restrict the location of and operations of a
- 31 cannabidiol dispensary or medical cannabidiol establishment through local zoning
- 32 ordinances and business licenses;
- 33 ▶ amends the Controlled Substances Act to allow a licensed person to grow cannabis,
- 34 process cannabis, and to possess and sell cannabidiol under certain circumstances;
- 35 ▶ requires a physician who recommends cannabidiol to a patient to:
- 36 • receive training;
- 37 • report adverse events to the Department of Health; and
- 38 • limit the number of patients for whom the physician will recommend
- 39 cannabidiol;
- 40 ▶ makes the retail sale of medical cannabidiol subject to sales tax;
- 41 ▶ amends provisions related to driving with a measurable metabolite of cannabidiol;
- 42 ▶ modifies the membership of the Controlled Substances Advisory Committee;
- 43 ▶ allows a higher education institution to purchase cannabidiol, possess cannabidiol,
- 44 and give cannabidiol to a patient pursuant to a medical research study approved by
- 45 the Department of Health; and
- 46 ▶ directs the Controlled Substances Advisory Committee to recommend conditions to
- 47 include as qualifying illnesses for treatment using cannabidiol.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 This bill provides a special effective date.

52 **Utah Code Sections Affected:**

53 AMENDS:

54 [41-6a-517](#), as last amended by Laws of Utah 2013, Chapter 333

55 [58-38a-201](#), as last amended by Laws of Utah 2011, Chapter 60

56 [58-38a-203](#), as last amended by Laws of Utah 2011, Chapters 12 and 340

57           **59-12-103**, as last amended by Laws of Utah 2015, Chapter 283  
58           **63I-1-258**, as last amended by Laws of Utah 2015, Chapters 40, 186, 187, 320, 367,  
59 and 432

60 ENACTS:

- 61           **4-42-101**, Utah Code Annotated 1953
- 62           **4-42-102**, Utah Code Annotated 1953
- 63           **4-42-103**, Utah Code Annotated 1953
- 64           **4-42-104**, Utah Code Annotated 1953
- 65           **4-42-201**, Utah Code Annotated 1953
- 66           **4-42-202**, Utah Code Annotated 1953
- 67           **4-42-203**, Utah Code Annotated 1953
- 68           **4-42-204**, Utah Code Annotated 1953
- 69           **4-42-301**, Utah Code Annotated 1953
- 70           **4-42-302**, Utah Code Annotated 1953
- 71           **4-42-303**, Utah Code Annotated 1953
- 72           **4-42-401**, Utah Code Annotated 1953
- 73           **4-42-402**, Utah Code Annotated 1953
- 74           **4-42-403**, Utah Code Annotated 1953
- 75           **4-42-404**, Utah Code Annotated 1953
- 76           **4-42-501**, Utah Code Annotated 1953
- 77           **4-42-601**, Utah Code Annotated 1953
- 78           **4-42-602**, Utah Code Annotated 1953
- 79           **4-42-603**, Utah Code Annotated 1953
- 80           **4-42-701**, Utah Code Annotated 1953
- 81           **4-42-702**, Utah Code Annotated 1953
- 82           **4-42-801**, Utah Code Annotated 1953
- 83           **4-42-802**, Utah Code Annotated 1953
- 84           **26-58-101**, Utah Code Annotated 1953
- 85           **26-58-102**, Utah Code Annotated 1953
- 86           **26-58-103**, Utah Code Annotated 1953
- 87           **26-58-104**, Utah Code Annotated 1953

- 88            **26-58-201**, Utah Code Annotated 1953
- 89            **26-58-202**, Utah Code Annotated 1953
- 90            **26-58-203**, Utah Code Annotated 1953
- 91            **26-58-204**, Utah Code Annotated 1953
- 92            **26-58-205**, Utah Code Annotated 1953
- 93            **26-58-206**, Utah Code Annotated 1953
- 94            **26-58-301**, Utah Code Annotated 1953
- 95            **53-1-106.5**, Utah Code Annotated 1953
- 96            **58-37-3.6**, Utah Code Annotated 1953
- 97            **58-37f-204**, Utah Code Annotated 1953
- 98            **58-38a-203.1**, Utah Code Annotated 1953
- 99            **58-67-807**, Utah Code Annotated 1953
- 100           **58-68-807**, Utah Code Annotated 1953
- 101           **58-86-101**, Utah Code Annotated 1953
- 102           **58-86-102**, Utah Code Annotated 1953
- 103           **58-86-201**, Utah Code Annotated 1953
- 104           **58-86-202**, Utah Code Annotated 1953
- 105           **58-86-203**, Utah Code Annotated 1953
- 106           **58-86-204**, Utah Code Annotated 1953
- 107           **58-86-301**, Utah Code Annotated 1953
- 108           **58-86-302**, Utah Code Annotated 1953
- 109           **58-86-303**, Utah Code Annotated 1953
- 110           **58-86-401**, Utah Code Annotated 1953
- 111           **58-86-402**, Utah Code Annotated 1953
- 112           **58-86-403**, Utah Code Annotated 1953
- 113           **58-86-404**, Utah Code Annotated 1953
- 114           **58-86-405**, Utah Code Annotated 1953
- 115           **58-86-406**, Utah Code Annotated 1953
- 116           **58-86-501**, Utah Code Annotated 1953

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118    *Be it enacted by the Legislature of the state of Utah:*

119 Section 1. Section 4-42-101 is enacted to read:

120 **CHAPTER 42. CANNABIDIOL PRODUCTION ESTABLISHMENT LICENSE**

121 **Part 1. General Provisions**

122 **4-42-101. Title.**

123 This chapter is known as "Cannabidiol Production Establishment License."

124 Section 2. Section 4-42-102 is enacted to read:

125 **4-42-102. Definitions.**

126 As used in this chapter:

127 (1) "Cannabidiol" means the same as that term is defined in Section 58-37-3.6.

128 (2) "Cannabidiol cultivation facility" means a person that:

129 (a) grows cannabis; or

130 (b) possesses cannabis with the intent to grow cannabis.

131 (3) "Cannabidiol cultivation facility agent" means an owner, officer, director, board  
132 member, shareholder, agent, employee, or volunteer of a cannabidiol cultivation facility.

133 (4) "Cannabidiol dispensary" means a person that:

134 (a) sells cannabidiol; or

135 (b) purchases or possesses cannabidiol with the intent to sell cannabidiol.

136 (5) "Cannabidiol dispensary agent" means the same as that term is defined in Section  
137 58-86-102.

138 (6) "Cannabidiol dispensary agent registration card" means the same as that term is  
139 defined in Section 58-86-102.

140 (7) "Cannabidiol processing facility" means a person that:

141 (a) manufactures cannabidiol from cannabis;

142 (b) purchases or possesses cannabis with the intent to manufacture cannabidiol; or

143 (c) sells or intends to sell cannabidiol to a cannabis dispensary.

144 (8) "Cannabidiol processing facility agent" means an owner, officer, director, board  
145 member, shareholder, agent, employee, or volunteer of a cannabidiol processing facility.

146 (9) "Cannabidiol production establishment" means:

147 (a) a cannabidiol cultivation facility;

148 (b) a cannabidiol processing facility; or

149 (c) an independent cannabidiol testing laboratory.

- 150 (10) "Cannabidiol production establishment agent" means:  
151 (a) a cannabidiol cultivation facility agent;  
152 (b) a cannabidiol processing facility agent; or  
153 (c) an independent cannabidiol testing laboratory agent.  
154 (11) "Cannabidiol production establishment agent registration card" means a  
155 registration card issued by the department under Section [4-42-301](#) that:  
156 (a) authorizes an individual to act as a cannabidiol production establishment agent; and  
157 (b) designates the type of cannabidiol production establishment for which the  
158 individual is authorized to act as a cannabidiol production establishment agent.  
159 (12) "Cannabinoid profile" means the percentage of cannabidiol, by weight, that is  
160 composed of the cannabinoids:  
161 (a) tetrahydrocannabinol or THC;  
162 (b) tetrahyrdocannabinolic acid or THCa;  
163 (c) cannabidiol or CBD;  
164 (d) cannabinol or CBN; and  
165 (e) cannabigerol or CBG.  
166 (13) "Cannabis" means the same as that term is defined in Section [58-37-3.6](#).  
167 (14) "Controlled Substances Advisory Committee" means the committee created in  
168 Section [58-38a-201](#).  
169 (15) "Designated caregiver" means the same as that term is defined in Section  
170 [58-86-102](#).  
171 (16) "Electronic verification system" means the system described in Section [26-58-104](#).  
172 (17) "Independent cannabidiol testing laboratory" means a person that:  
173 (a) conducts a chemical or other analysis of cannabidiol; or  
174 (b) possesses cannabidiol with the intent to conduct a chemical or other analysis of the  
175 cannabidiol.  
176 (19) "Independent cannabidiol testing laboratory agent" means an owner, officer,  
177 director, board member, shareholder, agent, employee, or volunteer of an independent  
178 cannabidiol testing laboratory.  
179 (20) "Inventory control system" means the system described in Section [4-42-103](#).  
180 (21) "Medical cannabidiol card" means the same as that term is defined in Section

181 [26-58-102.](#)

182 (22) "Physician" means the same as that term is defined in Section [26-58-102.](#)

183 (23) "Qualifying illness" means a condition described in Subsection [58-38a-203.1\(1\).](#)

184 Section 3. Section **4-42-103** is enacted to read:

185 **4-42-103. Inventory control system.**

186 (1) A cannabidiol production establishment and a cannabidiol dispensary shall  
187 maintain an inventory control system that meets the requirements of this section.

188 (2) An inventory control system shall track cannabidiol and the cannabis from which  
189 the cannabidiol is derived, in real time, from the time that a cannabis plant growing at a  
190 cannabidiol cultivation facility is eight inches tall, until the cannabidiol derived from the  
191 cannabis is sold by a cannabidiol dispensary.

192 (3) An inventory control system shall store, in real time, a record of the amount of  
193 cannabis or cannabidiol in a cannabidiol production establishment's or cannabidiol dispensary's  
194 possession.

195 (4) An inventory control system shall include a video recording system that:

196 (a) tracks all handling and processing of cannabis or a cannabis product in a  
197 cannabidiol production establishment or cannabidiol dispensary;

198 (b) is tamper proof; and

199 (c) is capable of storing a video record for 180 days.

200 (5) An inventory control system shall maintain compatibility with the electronic  
201 verification system.

202 (6) A cannabidiol production establishment or cannabis dispensary shall allow access  
203 to the cannabidiol production establishment's or cannabidiol dispensary's inventory control  
204 system by:

205 (a) the Department of Public Safety;

206 (b) the Department of Agriculture and Food;

207 (c) the Department of Health; and

208 (d) the Division of Occupational and Professional Licensing within the Department of  
209 Commerce.

210 (7) The department shall establish compatibility standards for an inventory control  
211 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

212 Rulemaking Act.

213 Section 4. Section **4-42-104** is enacted to read:

214 **4-42-104. Preemption.**

215 This chapter does not preempt an ordinance enacted by a political subdivision of the  
216 state regarding a cannabidiol production establishment that is more restrictive than this chapter.

217 Section 5. Section **4-42-201** is enacted to read:

218 **4-42-201. Cannabidiol production establishment -- License -- Renewal.**

219 (1) A person may not act as a cannabidiol production establishment without a license  
220 issued by the department under this chapter.

221 (2) Subject to Subsections (4) through (6), the department shall, within 30 days after  
222 receiving a complete application, issue a license to operate a cannabidiol production  
223 establishment to a person that submits to the department:

224 (a) a proposed name, address, and physical location where the person will operate the  
225 cannabidiol production establishment;

226 (b) evidence that the person possesses or controls a minimum of \$50,000 in liquid  
227 assets for each license for which the person applies;

228 (c) for each location of a cannabidiol production establishment for which the person  
229 applies, evidence that the person can obtain a business license and meet zoning requirements  
230 established by a political subdivision;

231 (d) an application fee established by the department, in accordance with Section  
232 63J-1-504, that is necessary to cover the department's cost to implement this chapter;

233 (e) evidence that the person can comply with the requirements in this chapter;

234 (f) evidence that the person will implement an inventory control system at the  
235 cannabidiol production establishment; and

236 (g) an operation plan that complies with Section 4-42-203.

237 (3) If the department determines that a cannabidiol production establishment is eligible  
238 for a license under this section, the department shall charge the cannabidiol establishment an  
239 initial license fee in an amount determined by the department in accordance with Section  
240 63J-1-504.

241 (4) The department shall require a separate license and separate license fee for each  
242 type of cannabidiol production establishment and each location of a cannabidiol production



243 establishment.

244 (5) The department may issue a cannabidiol cultivation facility license and a  
245 cannabidiol processing facility license to be operated by:

246 (a) the same person at the same physical location; or

247 (b) the same person at separate physical locations.

248 (6) The department may not issue a license to operate an independent cannabidiol  
249 testing laboratory to a person:

250 (a) that holds a license for or has an ownership interest in a cannabidiol dispensary, a  
251 cannabidiol processing facility, or a cannabidiol cultivation facility in the state;

252 (b) that has an owner, officer, board member, volunteer, shareholder, agent, director, or  
253 employee whose immediate family member holds a license for or has an ownership interest in a  
254 cannabidiol dispensary, a cannabidiol processing facility, or a cannabidiol cultivation facility;

255 or

256 (c) proposes to operate the independent testing laboratory at the same physical location  
257 as a cannabidiol dispensary, a cannabidiol processing facility, or a cannabidiol cultivation  
258 facility.

259 (7) The department may not issue a cannabidiol production establishment license to a  
260 person that holds a license for, or has an ownership interest in, a cannabidiol dispensary.

261 (8) The department may revoke a license under this chapter if the cannabidiol  
262 production establishment is not operational within one year of the issuance of the initial  
263 license.

264 Section 6. Section **4-42-202** is enacted to read:

265 **4-42-202. Renewal.**

266 (1) Except as provided in Subsection (2), the department shall renew a person's  
267 cannabidiol production establishment license every two years if, at the time of renewal:

268 (a) the person meets the requirements of Section [4-42-201](#); and

269 (b) the person pays the department a license renewal fee in an amount determined by  
270 the department in accordance with Section [63J-1-504](#).

271 (2) (a) The department may not renew a cannabidiol production establishment's license  
272 for a sixth consecutive time unless the department publishes a notice, in a newspaper of general  
273 circulation for the geographic area in which the cannabidiol production establishment is

274 located, one year before the day on which the cannabidiol production establishment's license  
275 expires, that includes:

276 (i) the name and location of the cannabidiol production establishment;

277 (ii) the day on which the license for the cannabidiol production establishment will  
278 expire; and

279 (iii) a solicitation for cannabidiol production establishment license applicants.

280 (b) If, after the department publishes the notice described in Subsection (2)(a), the  
281 department receives an application for a cannabidiol production establishment from a new  
282 applicant and also receives an application for renewal from the existing cannabidiol production  
283 establishment, the department shall issue the license to the applicant that the department  
284 determines best meets the criteria established in Section [4-42-204](#).

285 (3) (a) If a licensed cannabidiol production establishment abandons the cannabidiol  
286 production establishment's license, the department shall publish notice of an available license  
287 in the same manner as described in Subsection (2)(a).

288 (b) The department may establish criteria, in accordance with Title 63G, Chapter 3,  
289 Utah Administrative Rulemaking Act, for what actions by a cannabidiol production  
290 establishment constitute abandonment of a cannabidiol production establishment license.

291 Section 7. Section **4-42-203** is enacted to read:

292 **4-42-203. Operating plan.**

293 (1) A person applying for a license to act as a cannabidiol production establishment  
294 shall submit to the department, with the person's application, a proposed operating plan that  
295 includes:

296 (a) a description of the physical characteristics of the proposed facility;

297 (b) a description of the credentials and experience of any proposed cannabidiol  
298 production establishment agent;

299 (c) the cannabidiol production establishment's employee training standards;

300 (d) a security plan;

301 (e) for a cannabidiol cultivation facility, the information described in Subsection (2);

302 (f) for a cannabidiol processing facility, the information described in Subsection (3);

303 and

304 (g) for an independent cannabidiol testing lab, the information described in Subsection

305 (4).

306 (2) A cannabidiol cultivation facility's operating plan shall include the cannabidiol  
307 cultivation facility's proposed cannabis cultivation practices, including the cannabidiol  
308 cultivation facility's:

- 309 (a) pesticide and fertilizer use;
- 310 (b) proposed square footage under cultivation; and
- 311 (c) anticipated cannabidiol yield.

312 (3) A cannabidiol processing facility's operating plan shall include the cannabidiol  
313 processing facility's proposed cannabidiol processing practices, including the cannabidiol  
314 processing facility's:

- 315 (a) proposed cannabidiol extraction method;
- 316 (b) processing equipment; and
- 317 (c) other processing techniques.

318 (4) An independent cannabidiol testing laboratory's operating plan shall include the  
319 independent cannabidiol testing laboratory's proposed cannabidiol and cannabidiol product  
320 testing capability.

321 Section 8. Section **4-42-204** is enacted to read:

322 **4-42-204. Maximum number of licenses.**

323 (1) The department may not issue more than, at any given time:

- 324 (a) two cannabidiol cultivation facility licenses;
- 325 (b) two cannabidiol processing facility licenses; and
- 326 (c) two independent cannabidiol testing laboratory licenses.

327 (2) If the department receives more applications for a license to operate a given type of  
328 cannabidiol production establishment than are available under Subsection (1), the department  
329 shall evaluate the applicants to determine which applicant has best demonstrated:

- 330 (a) experience with:
  - 331 (i) establishing and running a business in a related field;
  - 332 (ii) operating a secure inventory control system;
  - 333 (iii) complying with a regulatory environment; and
  - 334 (iv) training, evaluating, and monitoring employees; and
- 335 (b) connections to the local community.

336 Section 9. Section **4-42-301** is enacted to read:

337 **Part 3. Cannabidiol Production Establishment Agents**

338 **4-42-301. Cannabidiol production establishment agent -- Registration.**

339 (1) An individual may not act as a cannabidiol production establishment agent of a  
340 cannabidiol production establishment unless the individual is registered by the department  
341 under this section.

342 (2) A physician may not serve as a cannabidiol production establishment agent.

343 (3) An independent cannabidiol testing laboratory agent may not act as an agent for a  
344 cannabidiol dispensary, a cannabidiol processing facility, or a cannabidiol cultivation facility.

345 (4) The department shall, within 15 business days after receiving a complete  
346 application, register and issue a cannabidiol production establishment agent registration card to  
347 an individual who:

348 (a) has not been convicted of an offense that is a felony under either state or federal  
349 law;

350 (b) provides to the department:

351 (i) the individual's name and address;

352 (ii) the name and location of a licensed cannabidiol production establishment where the  
353 individual seeks to act as the cannabidiol production establishment's agent; and

354 (iii) any other information required by the department by rule made in accordance with  
355 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

356 (c) pays the department a fee, determined by the department in accordance with Section  
357 63J-1-504, that is necessary to cover the department's cost to implement this part; and

358 (d) complies with the requirement for and passes a criminal background check  
359 described in Section 4-42-302.

360 (5) The department shall designate, for a cannabidiol production establishment agent  
361 registration card the department issues under Subsection (4), whether the cannabidiol  
362 production establishment agent registration card holder is authorized to act as an agent for:

363 (a) a cannabidiol cultivation facility;

364 (b) a cannabidiol processing facility;

365 (c) both a cannabidiol cultivation facility and a cannabidiol processing facility; or

366 (d) an independent cannabidiol testing laboratory.

367 (6) A cannabidiol production establishment agent shall complete training in  
368 cannabidiol production that complies with minimum standards established by the department  
369 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

370 (7) The department may revoke the cannabidiol production establishment agent  
371 registration card of an individual who:

372 (a) violates the requirements of this chapter; or

373 (b) is convicted of an offense that is a felony under state or federal law.

374 Section 10. Section **4-42-302** is enacted to read:

375 **4-42-302. Cannabidiol production establishment agents -- Criminal background**  
376 **checks.**

377 (1) An individual applying for a cannabidiol production establishment agent  
378 registration card under this chapter shall:

379 (a) submit to the department:

380 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and

381 (ii) a signed waiver in accordance with Subsection [53-10-108](#)(4) indicating that the

382 individual's fingerprints are being registered in the Federal Bureau of Investigation's Next

383 Generation Identification system's Rap Back Service; and

384 (b) consent to a fingerprint background check by:

385 (i) the Utah Bureau of Criminal Identification; and

386 (ii) the Federal Bureau of Investigation.

387 (2) The Bureau of Criminal Identification shall:

388 (a) check the fingerprints submitted under Subsection (1) against the applicable state,

389 regional, and national criminal records databases, including the Federal Bureau of

390 Investigation's Next Generation Identification system;

391 (b) report the results of the background check to the department;

392 (c) maintain a separate file of fingerprints submitted under Subsection (1) for search by

393 future submissions to the local and regional criminal records databases, including latent prints;

394 (d) request that the fingerprints be retained in the Federal Bureau of Investigation's

395 Next Generation Identification system's Rap Back Service for search by future submissions to

396 national criminal records databases, including the Next Generation Identification system and

397 latent prints; and

398 (e) establish a privacy risk mitigation strategy to ensure that the entity only receives  
399 notifications for an individual with whom the entity maintains an authorizing relationship.

400 (3) The department shall:

401 (a) assess an individual who submits fingerprints, in accordance with this section, a fee  
402 that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of  
403 Criminal Identification or other authorized agency provides under this section; and

404 (b) remit a fee collected under Subsection (3)(a) to the Bureau of Criminal  
405 Identification.

406 Section 11. Section **4-42-303** is enacted to read:

407 **4-42-303. Cannabidiol production establishment agent registration card --**  
408 **Rebuttable presumption.**

409 (1) An individual who has a cannabidiol production establishment agent registration  
410 card shall carry the individual's cannabidiol production establishment agent registration card  
411 with the individual at all times when:

412 (a) the individual is on the premises of a cannabidiol production establishment; and

413 (b) the individual is transporting cannabis or cannabidiol between two cannabidiol  
414 production establishments or transporting cannabidiol between a cannabidiol production  
415 establishment and a cannabidiol dispensary.

416 (2) A cannabidiol production establishment agent registered with the department is  
417 guilty of an infraction if the registered cannabidiol production establishment agent:

418 (a) (i) is on the premises of a cannabidiol production establishment where the  
419 individual is registered as an agent; or

420 (ii) transports cannabis or cannabidiol; and

421 (b) does not possess, on the registered cannabidiol production establishment agent's  
422 person, a valid cannabidiol production establishment agent registration card.

423 (3) A registered cannabidiol production establishment agent who is guilty of an  
424 infraction under Subsection (2) is subject to a \$100 fine.

425 Section 12. Section **4-42-401** is enacted to read:

426 **Part 4. General Cannabidiol Production Establishment Operating Requirements**

427 **4-42-401. Cannabidiol production establishment -- General operating**  
428 **requirements.**

429 (1) (a) A cannabidiol production establishment shall operate in accordance with the  
430 operating plan the cannabidiol production establishment provides to the department under  
431 Section [4-42-203](#).

432 (b) A cannabidiol production establishment shall notify the department within 30 days  
433 of any change in the cannabidiol production establishment's operation plan.

434 (2) Except as provided in Subsection (3), a cannabidiol production establishment shall  
435 operate:

436 (a) in a facility that is accessible only by an individual with a valid cannabidiol  
437 production establishment agent registration card issued under Section [4-42-301](#); and

438 (b) at the physical address provided to the department under Section [4-42-201](#).

439 (3) A cannabidiol production facility may allow the press, a visitor, or a contractor  
440 access to the cannabidiol production establishment if:

441 (a) the cannabidiol production facility tracks and monitors the individual at all times  
442 while the individual is in the cannabidiol production establishment; and

443 (b) a record of the individual's access to the cannabidiol production establishment is  
444 maintained by the cannabidiol production establishment.

445 (4) A cannabidiol production establishment shall have:

446 (a) a single, secure public entrance;

447 (b) a security system with a backup power source that:

448 (i) detects and records entry into the cannabidiol production establishment when the  
449 cannabidiol production establishment is closed; and

450 (ii) provides notice of an unauthorized entry to law enforcement; and

451 (c) a lock on any area where the cannabidiol production establishment stores cannabis  
452 or cannabidiol.

453 (5) The department shall establish structural standards for a cannabidiol production  
454 establishment by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
455 Rulemaking Act.

456 Section 13. Section **4-42-402** is enacted to read:

457 **4-42-402. Inspections.**

458 (1) Subject to Subsection (2), the department shall inspect the records and facility of a  
459 cannabidiol production establishment in order to determine if the cannabidiol production

460 establishment complies with the requirements of this chapter.

461 (2) The department may inspect the records and facility of a cannabidiol production  
462 establishment:

463 (a) as many as four times per year, scheduled or unscheduled; and

464 (b) if the department has reason to believe that the cannabidiol production  
465 establishment has violated the law, at any time, scheduled or unscheduled.

466 Section 14. Section ~~4-42-403~~ is enacted to read:

467 **4-42-403. Advertising.**

468 A cannabidiol production establishment may not advertise to the general public in any  
469 medium.

470 Section 15. Section ~~4-42-404~~ is enacted to read:

471 **4-42-404. Cannabis or cannabidiol transportation.**

472 (1) An individual may not transport cannabis or cannabidiol between two cannabidiol  
473 production establishments, or between a cannabidiol production establishment and a  
474 cannabidiol dispensary unless the individual has a valid cannabidiol production establishment  
475 agent registration card or valid cannabidiol dispensary agent registration card.

476 (2) An individual transporting cannabidiol or cannabis shall keep a transportation  
477 record that includes:

478 (a) a bar code or identification number that links the cannabis or cannabidiol to a  
479 related inventory control system;

480 (b) origin and destination information for any cannabis or cannabidiol the individual is  
481 transporting; and

482 (c) a record of the departure and arrival time of the individual transporting the cannabis  
483 or cannabidiol.

484 (3) In addition to the requirements in Subsections (1) and (2), the department shall  
485 establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
486 Rulemaking Act, requirements for transporting cannabis or cannabidiol related to safety for  
487 human cannabidiol consumption.

488 (4) A cannabidiol production establishment agent registered with the department is  
489 guilty of an infraction if the registered cannabidiol production establishment agent:

490 (a) transports cannabis or cannabidiol; and



491 (b) does not possess, on the registered cannabidiol production establishment agent's  
492 person or in the transport vehicle, a transportation record that complies with Subsection (2).

493 (5) A registered cannabidiol production establishment agent who is guilty of an  
494 infraction under Subsection (3) is subject to a \$100 fine.

495 Section 16. Section **4-42-501** is enacted to read:

496 **Part 5. Cannabidiol Cultivation Facility Operating Requirements**

497 **4-42-501. Cannabidiol cultivation facility -- Operating requirements.**

498 (1) A cannabidiol cultivation facility shall cultivate cannabis indoors.

499 (2) A cannabidiol cultivation facility shall ensure that any cannabis growing at the  
500 cannabidiol cultivation facility is not visible from outside the cannabidiol cultivation facility.

501 (3) A cannabidiol cultivation facility shall use a unique identifier for:

502 (a) each batch of cannabis transferred to a cannabidiol processing facility; and

503 (b) each unique harvest of cannabis plants.

504 (4) The department may establish human safety standards, by rule made in accordance  
505 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for a cannabidiol cultivation  
506 facility's:

507 (a) use of pesticides;

508 (b) use of fertilizers; and

509 (c) cultivation techniques.

510 Section 17. Section **4-42-601** is enacted to read:

511 **Part 6. Cannabidiol Processing Facility Operating Requirements**

512 **4-42-601. Cannabidiol processing facility -- Operating requirements.**

513 A cannabidiol processing facility shall ensure that cannabidiol that the cannabidiol  
514 processing facility sells or provides to a cannabidiol dispensary complies with the requirements  
515 of this part.

516 Section 18. Section **4-42-602** is enacted to read:

517 **4-42-602. Cannabidiol -- Product requirements.**

518 (1) A cannabidiol processing facility may only produce cannabidiol in a medical  
519 dosage form that is:

520 (a) a tablet;

521 (b) a capsule;

- 522 (c) a concentrated oil;
- 523 (d) a trans-dermal preparation; or
- 524 (e) a sub-lingual preparation.

525 (2) The Controlled Substances Advisory Committee may recommend that the  
 526 Legislature approve the use of an additional medical dosage form.

527 (3) A cannabidiol processing facility may not manufacture cannabidiol by applying a  
 528 cannabis agent to the surface of a food product.

529 (4) A cannabidiol processing facility may manufacture cannabidiol using cannabis or  
 530 cannabidiol not produced in the state if the cannabidiol processing enters a record of the  
 531 cannabis or cannabidiol into the electronic verification system.

532 Section 19. Section **4-42-603** is enacted to read:

533 **4-42-603. Cannabidiol -- Labeling and packaging.**

534 (1) Cannabidiol shall have a label that:

- 535 (a) clearly and unambiguously states that the cannabidiol contains cannabis;
- 536 (b) clearly displays the cannabinoid profile of the cannabidiol;
- 537 (c) has a unique batch identifier that identifies the unique manufacturing process when  
 538 the cannabidiol was manufactured;

539 (d) has a bar code or other identifier that allows the cannabidiol to be tracked by an  
 540 inventory control system and the electronic verification system; and

541 (e) contains information required by the department in accordance with Subsection (3).

542 (2) A cannabidiol processing facility shall package cannabidiol in a container that:

- 543 (a) is tamper resistant and opaque; and
- 544 (b) complies with physical criteria required by the department in accordance with

545 Subsection (3).

546 (3) The department shall establish cannabidiol labeling and packaging standards by  
 547 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

548 Section 20. Section **4-42-701** is enacted to read:

549 **Part 7. Independent Cannabidiol Testing Laboratory Operating Requirements**

550 **4-42-701. Cannabidiol testing.**

551 (1) An independent cannabidiol testing laboratory shall, before cannabidiol is offered  
 552 for sale at a cannabidiol dispensary, test the cannabidiol as described in this section.

553           (2) An independent cannabidiol testing laboratory may not operate unless the  
554 independent cannabidiol testing laboratory is capable of accurately testing cannabidiol as  
555 described in this section.

556           (3) An independent testing laboratory shall determine the cannabinoid profile of  
557 cannabidiol.

558           (4) An independent cannabidiol testing laboratory shall determine if cannabidiol  
559 contains, in an amount that is harmful to human health:

560           (a) mold;

561           (b) fungus;

562           (c) pesticides; or

563           (d) other microbial contaminants.

564           (5) For cannabidiol that is manufactured using a process that involves extraction using  
565 hydrocarbons, an independent cannabidiol testing laboratory shall test the cannabidiol for  
566 residual solvents.

567           (6) The department may determine, by rule made in accordance with Title 63G,  
568 Chapter 3, Utah Administrative Rulemaking Act:

569           (a) the amount of substances described in Subsection (4) and the amount of residual  
570 solvents that are safe for human consumption; and

571           (b) additional cannabidiol testing that an independent cannabidiol testing laboratory is  
572 required to perform.

573           Section 21. Section **4-42-702** is enacted to read:

574           **4-42-702. Reporting -- Inspections.**

575           (1) An independent cannabidiol testing laboratory shall notify the department if the  
576 independent cannabidiol testing laboratory determines that the results of a lab test indicate that  
577 a cannabidiol batch:

578           (a) is unsafe for human consumption; or

579           (b) has a ratio of less than 10 grams of the cannabinoid cannabidiol per each one gram  
580 of tetrahydrocannabinol.

581           (2) If the independent cannabidiol testing laboratory notifies the department of a  
582 cannabidiol batch's test results under Subsection (1), the independent cannabidiol testing  
583 laboratory may not release the cannabidiol batch to a cannabidiol dispensary until the

584 department has an opportunity to respond to the department within a period of time,  
585 determined by the department.

586 (3) If the department determines that a cannabidiol batch is unsafe for human  
587 consumption, the department may seize, embargo, and destroy a cannabidiol batch in  
588 accordance with Section [4-42-801](#).

589 (4) The department shall establish, by rule made in accordance with Title 63G, Chapter  
590 3, Utah Administrative Rulemaking Act, the amount of time that an independent cannabidiol  
591 testing laboratory is required to hold a cannabidiol batch under Subsection (2).

592 Section 22. Section **4-42-801** is enacted to read:

593 **Part 8. Enforcement**

594 **4-42-801. Enforcement -- Fine -- Citation.**

595 (1) The department may, for a violation of the licensing provisions of this chapter by a  
596 person that is a cannabidiol production establishment or a cannabidiol production  
597 establishment agent:

- 598 (a) revoke the person's license;
- 599 (b) refuse to renew the person's license;
- 600 (c) assess the person an administrative penalty; or
- 601 (d) take any other appropriate administrative action.

602 (2) The department shall deposit an administrative penalty imposed under this section  
603 into the General Fund as a dedicated credit to be used by the department to administer and  
604 enforce this chapter.

605 (3) (a) The department may take an action described in Subsection (3)(b) if the  
606 department concludes, upon inspection or investigation, that, for a person that is a cannabidiol  
607 production establishment or a cannabidiol production establishment agent:

608 (i) the person has violated the provisions of this chapter, a rule made under this  
609 chapter, or an order issued under this chapter; or

610 (ii) the person prepared a cannabis or cannabidiol batch in a manner, or such that the  
611 batch contains a substance, that poses a threat to human health.

612 (b) If the department makes the determination about a person described in Subsection  
613 (3)(a)(i), the department shall:

614 (i) issue the person a citation in writing;

615 (ii) attempt to negotiate a stipulated settlement; or  
616 (iii) direct the person to appear before an adjudicative proceeding conducted under  
617 Title 63G, Chapter 4, Administrative Procedures Act.

618 (c) If the department makes the determination about a person described in Subsection  
619 (3)(a)(ii), the department may:

620 (i) seize, embargo, or destroy a cannabis or cannabidiol batch; and

621 (ii) direct the person to appear before an adjudicative proceeding conducted under Title  
622 63G, Chapter 4, Administrative Procedures Act.

623 (4) The department may, for a person subject to an uncontested citation, a stipulated  
624 settlement, or a finding of a violation in an adjudicative proceeding under this section:

625 (a) assess the person a fine, established in accordance with Section [63J-1-504](#), of up to  
626 \$5,000 per violation, in accordance with a fine schedule established by rule made in accordance  
627 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

628 (b) order the person to cease and desist from the action that creates a violation.

629 (5) The department may not revoke a cannabidiol production establishment's license  
630 via a citation.

631 (6) If within 20 calendar days after the day on which a department serves a citation for  
632 a violation of this chapter, the person that is the subject of the citation fails to request a hearing  
633 to contest the citation, the citation becomes the basis of the department's final order.

634 (7) The department may, for a person who fails to comply with a citation under this  
635 section:

636 (a) refuse to issue or renew the person's license or cannabidiol production  
637 establishment agent registration card; or

638 (b) suspend, revoke, or place on probation the person's license or cannabidiol  
639 production establishment agent registration card.

640 Section 23. Section **4-42-802** is enacted to read:

641 **4-42-802. Report to the Legislature.**

642 The department shall report, each year before November 1, to the Health and Human  
643 Services Interim Committee, on the department's administration and enforcement of this  
644 chapter.

645 Section 24. Section **26-58-101** is enacted to read:

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**CHAPTER 58. MEDICAL CANNABIDIOL ACT**

**Part 1. General Provisions**

**26-58-101. Title.**

This chapter is known as "Medical Cannabidiol Act."

Section 25. Section **26-58-102** is enacted to read:

**26-58-102. Definitions.**

As used in this chapter:

(1) "Cannabidiol" means the same as that term is defined in Section [58-37-3.6](#).

(2) "Cannabidiol dispensary" means the same as that term is defined in Section [58-85-102](#).

(3) "Designated caregiver" means an individual who a patient with a medical cannabidiol card designates as the patient's caregiver under Section [26-58-202](#).

(4) "Electronic verification system" means the system described in Section [26-58-104](#).

(5) "Inventory control system" means the system described in Section [4-42-103](#).

(6) "Medical cannabidiol card" means a card that is issued to an individual by the Department of Health under Section [26-58-201](#).

(7) "Physician" means an individual who:

(a) is licensed to practice:

(i) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or

(ii) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(b) complies with Section [58-67-807](#) or [58-68-807](#).

(8) "Qualifying illness" means a condition described in Subsection [58-38a-203.1\(1\)](#).

Section 26. Section **26-58-103** is enacted to read:

**26-58-103. Local ordinances.**

This chapter does not prohibit a political subdivision from enacting an ordinance, which restricts the location of, or operating requirements of, a cannabidiol dispensary, that is more restrictive than this chapter.

Section 27. Section **26-58-104** is enacted to read:

**26-58-104. Electronic verification system.**

(1) The Department of Agriculture and Food, the Department of Health, the

677 Department of Public Safety, and the Division of Occupational and Professional Licensing:  
678 (a) shall enter into a memorandum of understanding in order to determine the function  
679 and operation of a state electronic verification system;  
680 (b) may direct the Department of Technology Services to work with a third party  
681 provider to develop and maintain the electronic verification system; and  
682 (c) shall coordinate with the Division of Purchasing under Title 63G, Chapter 6a, Utah  
683 Procurement Code, to select a third party provider described in Subsection (1)(b).  
684 (2) The electronic verification system described in Subsection (1) shall:  
685 (a) allow an individual to:  
686 (i) apply, in the presence of a physician, to the Department of Health for a medical  
687 cannabidiol card; and  
688 (ii) designate up to two caregivers for the patient;  
689 (b) allow a physician to electronically recommend treatment with cannabidiol to a  
690 patient during a visit with the patient;  
691 (c) connect an individual's medical cannabidiol card to a database, and to an inventory  
692 control system used by a cannabidiol dispensary, to track, in real time, for the individual's  
693 purchase of cannabidiol:  
694 (i) the time and date of the purchase;  
695 (ii) the quantity and type of cannabidiol purchased; and  
696 (iii) a cannabidiol production establishment or cannabidiol dispensary associated with  
697 the cannabidiol;  
698 (d) provide access to an entity described in Subsection (1) to the extent necessary for  
699 the entity to carry out the functions and responsibilities given to the entity under this chapter;  
700 (e) provide access to state or local law enforcement:  
701 (i) during a traffic stop; or  
702 (ii) after obtaining a warrant; and  
703 (f) create a record each time the database is accessed that identifies the individual who  
704 accessed the database and the individual whose records were accessed.  
705 (3) The Department of Health may release the data collected by the system under  
706 Subsection (2) for the purpose of conducting medical research, if the medical research is  
707 approved by an institutional review board associated with a university medical school.

708 Section 28. Section **26-58-201** is enacted to read:

709 **Part 2. Medical Cannabidiol Card**

710 **26-58-201. Medical cannabidiol card -- Application -- Renewal.**

711 (1) The department shall, within 15 days after an individual submits an application in  
712 compliance with this section, issue a medical cannabidiol card, via the electronic verification  
713 system described in Section [26-58-104](#), to an individual if the individual:

714 (a) is at least 18 years old;

715 (b) is a Utah resident;

716 (c) submits to the department, via the electronic verification system, a recommendation  
717 electronically signed by a physician that indicates that the individual:

718 (i) suffers from a qualifying illness, including the type of qualifying illness; and

719 (ii) may benefit from treatment with cannabidiol;

720 (d) pays the department a fee established by the department in accordance with Section  
721 [63J-1-504](#); and

722 (e) submits an application to the department, using the electronic verification system  
723 that contains:

724 (i) the individual's name, gender, age, and address; and

725 (ii) a copy of the individual's photo identification.

726 (2) An individual who applies for a medical cannabidiol card under Subsection (1)  
727 shall fill out and submit the application described in Subsection (1):

728 (a) online, in connection with the electronic verification system; and

729 (b) with a physician, during an office visit with the physician.

730 (3) A medical cannabidiol card that the department issues under Subsection (1) is valid  
731 for the lesser of:

732 (a) an amount of time determined by the physician who recommends treatment with  
733 cannabidiol; or

734 (b) two years.

735 (4) The department may renew an individual's medical cannabidiol card if, at the time  
736 of renewal, the individual meets the requirements of Subsection (1) or (2).

737 (5) The department may revoke an individual's medical cannabidiol card if the  
738 individual violates this chapter.



739 (6) An individual shall, as a condition of receiving a medical cannabidiol card under  
740 this section, consent to participate in research on treatment with cannabidiol.

741 Section 29. Section **26-58-202** is enacted to read:

742 **26-58-202. Medical cannabidiol card -- Designated caregiver -- Registration --**  
743 **Renewal -- Revocation.**

744 (1) An individual who holds a valid medical cannabidiol card under Section [26-58-201](#)  
745 who a physician determines is unable to obtain cannabidiol from a cannabidiol dispensary may  
746 register with the department, via the electronic verification system, up to two individuals to  
747 serve as designated caregivers of the individual.

748 (2) An individual registered as a designated caregiver of a designating patient under  
749 this section may:

750 (a) carry a valid medical cannabidiol card issued to the individual by the department  
751 with the designating patient's name and the designated caregiver's name; and

752 (b) purchase and possess cannabidiol, in accordance with this chapter, on behalf of the  
753 designating patient.

754 (3) An individual may serve as a designated caregiver under Subsection (1) if the  
755 individual:

756 (a) is at least 18 years old;

757 (b) is a Utah resident;

758 (c) submits an application to the department, online via the electronic verification  
759 system, that includes:

760 (i) the individual's name and address;

761 (ii) a copy of the individual's photo identification; and

762 (iii) any other information required by the department by rule made in accordance with  
763 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

764 (d) pays, to the department, a fee, established by the department in accordance with  
765 Section [63J-1-504](#), plus the cost of a criminal background check; and

766 (e) complies with Section [26-58-203](#).

767 (4) A medical cannabidiol card is renewable for a designated caregiver, if at the time of  
768 renewal:

769 (a) the individual described in Subsection (1) renews the designation of the caregiver;

770 and

771 (b) the designated caregiver meets the requirements of Subsection (3).

772 (5) The department shall revoke or refuse to issue the registration of a designated  
773 caregiver if the designated caregiver is convicted of a felony that is:

774 (a) a crime of violence involving the use of force or violence against another person; or

775 (b) a felony conviction of a state or federal law pertaining to controlled substances.

776 Section 30. Section **26-58-203** is enacted to read:

777 **26-58-203. Designated caregiver -- Criminal background check.**

778 (1) An individual registered as a designated caregiver under Section [26-58-202](#) shall  
779 submit to a criminal background check in accordance with Subsection (2).

780 (2) An individual registered as a designated caregiver shall:

781 (a) submit to the department:

782 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and

783 (ii) a signed waiver in accordance with Subsection [53-10-108](#)(4) indicating that the

784 individual's fingerprints are being registered in the Federal Bureau of Investigation's Next

785 Generation Identification system's Rap Back Service; and

786 (b) consent to a fingerprint background check by:

787 (i) the Utah Bureau of Criminal Identification; and

788 (ii) the Federal Bureau of Investigation.

789 (3) The Bureau of Criminal Identification shall:

790 (a) check the fingerprints submitted under Subsection (2) against the applicable state,  
791 regional, and national criminal records databases, including the Federal Bureau of

792 Investigation's Next Generation Identification system;

793 (b) report the results of the background check to the department;

794 (c) maintain a separate file of fingerprints submitted under Subsection (2) for search by  
795 future submissions to the local and regional criminal records databases, including latent prints;

796 (d) request that the fingerprints be retained in the Federal Bureau of Investigation's  
797 Next Generation Identification system's Rap Back Service for search by future submissions to

798 national criminal records databases, including the Next Generation Identification system and  
799 latent prints; and

800 (e) establish a privacy risk mitigation strategy to ensure that the entity only receives

801 notifications for an individual with whom the entity maintains an authorizing relationship.

802 (4) The department shall:

803 (a) assess an individual who submits fingerprints, in accordance with this section, a fee  
804 that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of  
805 Criminal Identification or other authorized agency provides under this section; and

806 (b) remit a fee collected under Subsection (4)(a) to the Bureau of Criminal  
807 Identification.

808 Section 31. Section **26-58-204** is enacted to read:

809 **26-58-204. Medical cannabidiol card -- Patient and designated caregiver**  
810 **requirements -- Rebuttable presumption.**

811 (1) An individual with a valid medical cannabidiol card who possesses cannabidiol  
812 outside of the individual's residence shall:

813 (a) carry, with the individual at all times, the individual's medical cannabidiol card;

814 (b) carry, with the cannabidiol or cannabidiol product, a label that identifies that the  
815 cannabidiol was originally sold from a licensed cannabidiol dispensary, including the bar code  
816 or identification number that links the cannabidiol to the cannabidiol dispensary's inventory  
817 control system; and

818 (c) possess no more than a 30-day supply of cannabidiol as established by the  
819 recommendation of a physician for the individual's treatment.

820 (2) An individual who has a valid medical cannabidiol card is guilty of an infraction if  
821 the individual:

822 (a) possesses cannabidiol; and

823 (b) (i) does not possess the individual's medical cannabidiol card on the individual's  
824 person; or

825 (ii) does not possess a label that complies with Subsection (1)(b).

826 (3) An individual who is guilty of an infraction under Subsection (4) is subject to a  
827 \$100 fine.

828 Section 32. Section **26-58-205** is enacted to read:

829 **26-58-205. Insurance coverage.**

830 An insurance carrier, third-party administrator, or employer is not required to provide  
831 reimbursement for treatment of an individual with cannabidiol under this chapter.

832 Section 33. Section 26-58-206 is enacted to read:

833 **26-58-206. Report to the Legislature.**

834 The department shall, before November 1 each year, report to the Health and Human  
835 Services Interim Committee on the department's administration and enforcement of this  
836 chapter.

837 Section 34. Section 26-58-301 is enacted to read:

838 **Part 3. Medical Cannabidiol Research License**

839 **26-58-301. Medical cannabidiol research license.**

840 (1) The department may issue a license to a higher education institution to conduct  
841 medical research on cannabidiol if the higher education institution submits to the department:

842 (a) the higher education institution's research plan; and

843 (b) the name of an employee of the higher education institution who will supervise the  
844 medical cannabidiol research.

845 (2) Notwithstanding the provisions of Title 58, Chapter 37, Utah Controlled  
846 Substances Act, a higher education institution to which the department issues a medical  
847 cannabidiol research license under this chapter may:

848 (a) purchase cannabidiol from a person licensed under Title 58, Chapter 86,  
849 Cannabidiol Dispensary License;

850 (b) possess cannabidiol; or

851 (c) provide cannabidiol to a patient as part of a medical research study approved by the  
852 department.

853 (3) The department shall establish rules made in accordance with Title 63G, Chapter 3,  
854 Utah Administrative Rulemaking Act, that provide:

855 (a) eligibility criteria for a medical cannabidiol research license; and

856 (b) standards for an acceptable medical research study under Subsection (1)(a).

857 Section 35. Section 41-6a-517 is amended to read:

858 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**  
859 **body -- Penalties -- Arrest without warrant.**

860 (1) As used in this section:

861 (a) "Controlled substance" has the same meaning as in Section 58-37-2.

862 (b) "Practitioner" has the same meaning as in Section 58-37-2.

- 863 (c) "Prescribe" has the same meaning as in Section 58-37-2.
- 864 (d) "Prescription" has the same meaning as in Section 58-37-2.
- 865 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
866 operate or be in actual physical control of a motor vehicle within this state if the person has any  
867 measurable controlled substance or metabolite of a controlled substance in the person's body.
- 868 (3) It is an affirmative defense to prosecution under this section that the controlled  
869 substance was:
- 870 (a) involuntarily ingested by the accused;
- 871 (b) prescribed by a practitioner for use by the accused; [or]
- 872 (c) cannabidiol recommended by a physician and the person holds a valid medical  
873 cannabidiol card under Title 26, Chapter 58, Medical Cannabidiol Act; or
- 874 ~~(d)~~ (d) otherwise legally ingested.
- 875 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
876 misdemeanor.
- 877 (b) A person who violates this section is subject to conviction and sentencing under  
878 both this section and any applicable offense under Section 58-37-8.
- 879 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
880 section when the officer has probable cause to believe the violation has occurred, although not  
881 in the officer's presence, and if the officer has probable cause to believe that the violation was  
882 committed by the person.
- 883 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
884 date of arrest:
- 885 (a) suspend, for a period of 120 days, the driver license of a person convicted under  
886 Subsection (2) of an offense committed on or after July 1, 2009; or
- 887 (b) revoke, for a period of two years, the driver license of a person if:
- 888 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 889 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
890 and within a period of 10 years after the date of the prior violation.
- 891 (7) The Driver License Division shall, if the person is 19 years of age or older but  
892 under 21 years of age on the date of arrest:
- 893 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is

894 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
895 on or after July 1, 2011; or

896 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
897 longer, the driver license of a person if:

898 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

899 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
900 and within a period of 10 years after the date of the prior violation.

901 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
902 of arrest:

903 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
904 under Subsection (2) of an offense committed on or after July 1, 2009; or

905 (b) revoke, until the person is 21 years of age, the driver license of a person if:

906 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

907 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
908 and within a period of 10 years after the date of the prior violation.

909 (9) The Driver License Division shall subtract from any suspension or revocation  
910 period the number of days for which a license was previously suspended under Section  
911 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
912 which the record of conviction is based.

913 (10) The Driver License Division shall:

914 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
915 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
916 committed prior to July 1, 2009; or

917 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
918 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

919 (i) the person was 20 years of age or older but under 21 years of age at the time of  
920 arrest; and

921 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
922 July 1, 2009, and prior to July 1, 2011.

923 (11) A court that reported a conviction of a violation of this section for a violation that  
924 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension

925 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
926 if the person:

927 (a) completes at least six months of the license suspension;

928 (b) completes a screening;

929 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
930 (11)(b);

931 (d) completes substance abuse treatment if it is found appropriate by the assessment  
932 under Subsection (11)(c);

933 (e) completes an educational series if substance abuse treatment is not required by the  
934 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

935 (f) has not been convicted of a violation of any motor vehicle law in which the person  
936 was involved as the operator of the vehicle during the suspension period imposed under  
937 Subsection (7)(a) or (8)(a);

938 (g) has complied with all the terms of the person's probation or all orders of the court if  
939 not ordered to probation; and

940 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
941 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
942 person or unlawfully consumed alcohol during the suspension period imposed under  
943 Subsection (7)(a) or (8)(a); or

944 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
945 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
946 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
947 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
948 under Subsection (7)(a) or (8)(a).

949 (12) If the court shortens a person's license suspension period in accordance with the  
950 requirements of Subsection (11), the court shall forward the order shortening the person's  
951 license suspension period prior to the completion of the suspension period imposed under  
952 Subsection (7)(a) or (8)(a) to the Driver License Division.

953 (13) (a) The court shall notify the Driver License Division if a person fails to:

954 (i) complete all court ordered screening and assessment, educational series, and  
955 substance abuse treatment; or

956 (ii) pay all fines and fees, including fees for restitution and treatment costs.

957 (b) Upon receiving the notification, the division shall suspend the person's driving  
958 privilege in accordance with Subsections [53-3-221\(2\)](#) and (3).

959 (14) The court shall order supervised probation in accordance with Section [41-6a-507](#)  
960 for a person convicted under Subsection (2).

961 Section 36. Section **53-1-106.5** is enacted to read:

962 **53-1-106.5. Medical Cannabidiol Act -- Department duties.**

963 In addition to the duties described in Section [53-1-106](#), the department shall provide  
964 standards for the training of peace officers and law enforcement agencies in the use of the  
965 electronic verification system as defined in Section [26-58-102](#).

966 Section 37. Section **58-37-3.6** is enacted to read:

967 **58-37-3.6. Exemption for possession or use of cannabidiol to treat a qualifying**  
968 **illness.**

969 (1) As used in this section:

970 (a) "Cannabidiol" means a product intended for human ingestion that:

971 (i) contains an extract or concentrate that:

972 (A) is obtained from cannabis; and

973 (B) contains at least 10 grams of the cannabinoid cannabidiol per one gram of  
974 tetrahydrocannabinol content;

975 (ii) is composed of less than 5% tetrahydrocannabinol by weight;

976 (iii) is composed of at least 5% of the cannabinoid cannabidiol by weight; and

977 (iv) is prepared in a medicinal dosage form as required by Section [4-42-602](#).

978 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not,  
979 that has a delta-9 tetrahydrocannabinol concentration of less than 0.3% by dry weight.

980 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3](#).

981 (d) "Tetrahydrocannabinol" means a substance derived from cannabidiol that meets the  
982 description in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

983 (2) Notwithstanding any other provision of this chapter:

984 (a) an individual who grows, possesses, sells, or offers to sell cannabis is not subject to  
985 the penalties described in this title for the growth, possession, sale, or offer for sale of  
986 marijuana or tetrahydrocannabinol to the extent that the individual's growth, possession, sale,



987 or offer for sale of cannabis complies with:

988 (i) Title 4, Chapter 42, Cannabidiol Production Establishment License;

989 (ii) Title 26, Chapter 58, Medical Cannabidiol Act; and

990 (iii) Title 58, Chapter 86, Cannabidiol Dispensary License;

991 (b) an individual who grows, possesses, sells, or offers to sell cannabidiol is not subject  
992 to the penalties described in this title for the growth, possession, sale, or offer for sale of  
993 marijuana or tetrahydrocannabinol to the extent that the individual's growth, possession, sale,  
994 or offer for sale of cannabidiol complies with:

995 (i) Title 4, Chapter 42, Cannabidiol Production Establishment License;

996 (ii) Title 26, Chapter 58, Medical Cannabidiol Act; and

997 (iii) Title 58, Chapter 86, Cannabidiol Dispensary License; and

998 (c) an individual who possesses, sells, or offers to sell cannabidiol is not subject to the  
999 penalties described in this title for the possession, sale, or offer for sale of marijuana or  
1000 tetrahydrocannabinol drug paraphernalia to the extent that the individual's growth, possession,  
1001 sale, or offer for sale of cannabidiol complies with:

1002 (i) Title 4, Chapter 42, Cannabidiol Production Establishment License;

1003 (ii) Title 26, Chapter 58, Medical Cannabidiol Act; and

1004 (iii) Title 58, Chapter 86, Cannabidiol Dispensary License.

1005 Section 38. Section **58-37f-204** is enacted to read:

1006 **58-37f-204. Controlled substance database and medical cannabidiol.**

1007 (1) (a) The division shall establish a process for a cannabidiol dispensary agent to  
1008 submit, at a specified time during each 24-hour period, the information required by this section.

1009 (b) A cannabidiol dispensary shall comply with the process established by the division  
1010 under Subsection (1)(a).

1011 (2) A cannabidiol dispensary shall, each time the cannabidiol dispensary dispenses  
1012 cannabidiol to an individual with a medical cannabidiol card, submit to the division the  
1013 following information:

1014 (a) the name of the physician who recommended the cannabidiol and the unique  
1015 number identifying the recommendation;

1016 (b) the date of the recommendation;

1017 (c) the date the cannabidiol was dispensed;

- 1018 (d) the name of the individual with the medical cannabidiol card;
- 1019 (e) positive identification of the individual who receives the cannabidiol, including the
- 1020 type of identification and any identifying numbers on the identification;
- 1021 (f) the amount of cannabidiol dispensed;
- 1022 (g) the dosage, quantity, and frequency recommended by the physician;
- 1023 (h) the name of the cannabidiol dispensary dispensing the cannabidiol product;
- 1024 (i) the name of the cannabidiol dispensary agent who dispensed the cannabidiol
- 1025 product; and
- 1026 (j) any other information required by the division under Subsection (8).
- 1027 (3) If an individual's medical cannabidiol record is in the controlled substance
- 1028 database:
- 1029 (a) the individual may obtain the record by requesting the record from the division in
- 1030 writing; and
- 1031 (b) the individual may request, in writing, with the individual's postal address included,
- 1032 that the division correct any incorrect information about the individual contained in the
- 1033 database.
- 1034 (4) For a request described in Subsection (3), the division shall:
- 1035 (a) grant or deny the request no later than 30 days after the day on which the division
- 1036 receives the request; and
- 1037 (b) notify the individual who submitted the request of the division's decision by mail
- 1038 postmarked no later than 35 days after the day on which the division received the request.
- 1039 (5) If the division denies a request described in Subsection (3), or does not respond to
- 1040 the request within the time period described in Subsection (4), the individual who submitted
- 1041 the request may, no later than 60 days after the day on which the individual's initial request is
- 1042 postmarked, submit an appeal to the Department of Commerce.
- 1043 (6) The division shall ensure that the database system records and maintains for
- 1044 reference:
- 1045 (a) the identity of and a form of identification for each individual who requests
- 1046 information from the database;
- 1047 (b) the information accessed by the individual described in Subsection (6)(a); and
- 1048 (c) the date and time the individual described in Subsection (6)(a) made the request.

1049 (7) A cannabidiol dispensary agent may access the controlled substance database in the  
1050 same manner and for the same purpose as a pharmacist may access the database under  
1051 Subsection 58-37f-301(2)(i).

1052 (8) The division shall establish, by rule made in accordance with Title 63G, Chapter 3,  
1053 Utah Administrative Rulemaking Act:

1054 (a) requirements for the form and manner of submission of information submitted to  
1055 the database under this section; and

1056 (b) for the purpose of collecting health data on medical cannabidiol, additional  
1057 information that a cannabidiol dispensary is required to submit to the controlled substance  
1058 database.

1059 Section 39. Section **58-38a-201** is amended to read:

1060 **58-38a-201. Controlled Substances Advisory Committee.**

1061 There is created within the Division of Occupational and Professional Licensing the  
1062 Controlled Substances Advisory Committee. The committee consists of:

1063 (1) the director of the Department of Health or the director's designee;

1064 (2) the State Medical Examiner or the examiner's designee;

1065 (3) the commissioner of the Department of Public Safety or the commissioner's  
1066 designee;

1067 (4) one physician who is a member of the Physicians Licensing Board and is  
1068 designated by that board;

1069 (5) one pharmacist who is a member of the Utah State Board of Pharmacy and is  
1070 designated by that board;

1071 ~~[(6) one dentist who is a member of the Dentist and Dental Hygienist Licensing Board~~  
1072 ~~and is designated by that board;]~~

1073 ~~[(7) one physician who is currently licensed and practicing in the state, to be appointed~~  
1074 ~~by the governor;]~~

1075 ~~[(8)]~~ (6) one psychiatrist who is currently licensed and practicing in the state, to be  
1076 appointed by the governor;

1077 ~~[(9)]~~ (7) one individual with expertise in substance abuse addiction, to be appointed by  
1078 the governor;

1079 ~~[(10)]~~ (8) one representative from the Statewide Association of Prosecutors, to be

1080 designated by that association;

1081 ~~[(11) one naturopathic physician who is currently licensed and practicing in the state,~~

1082 ~~to be appointed by the governor;]~~

1083 ~~[(12)]~~ (9) one advanced practice registered nurse who is currently licensed and

1084 practicing in this state, to be appointed by the governor; ~~[and]~~

1085 (10) two medical research professionals with expertise in controlled substances,

1086 including one medical research professional who is affiliated with a research-based higher

1087 education institution;

1088 (11) one representative of the Utah Chiefs of Police Association; and

1089 ~~[(13)]~~ (12) one member of the public, to be appointed by the governor.

1090 Section 40. Section **58-38a-203** is amended to read:

1091 **58-38a-203. Duties of the committee.**

1092 (1) The committee serves as a consultative and advisory body to the Legislature

1093 regarding:

1094 (a) the movement of a controlled substance from one schedule or list to another;

1095 (b) the removal of a controlled substance from any schedule or list; ~~[and]~~

1096 (c) the designation of a substance as a controlled substance and the placement of the

1097 substance in a designated schedule or list~~[-]; and~~

1098 (d) the designation of a medical condition as a qualified illness for treatment using

1099 cannabidiol as described in Subsection [58-38a-203.1\(1\)](#).

1100 (2) On or before September 30 of each year, the committee shall submit to the Health

1101 and Human Services Interim Committee a written report:

1102 (a) describing any substances recommended by the committee for scheduling,

1103 rescheduling, listing, or deletion from the schedules or list by the Legislature; ~~[and]~~

1104 (b) containing the report described in Subsection [58-38a-203.1\(1\)](#); and

1105 ~~[(b)]~~ (c) stating the reasons for the recommendation.

1106 (3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a

1107 substance, the committee shall consider:

1108 (a) the actual or probable abuse of the substance, including:

1109 (i) the history and current pattern of abuse both in Utah and in other states;

1110 (ii) the scope, duration, and significance of abuse;

- 1111 (iii) the degree of actual or probable detriment to public health which may result from  
1112 abuse of the substance; and
- 1113 (iv) the probable physical and social impact of widespread abuse of the substance;
- 1114 (b) the biomedical hazard of the substance, including:
- 1115 (i) its pharmacology, including the effects and modifiers of the effects of the substance;
- 1116 (ii) its toxicology, acute and chronic toxicity, interaction with other substances,  
1117 whether controlled or not, and the degree to which it may cause psychological or physiological  
1118 dependence; and
- 1119 (iii) the risk to public health and the particular susceptibility of segments of the  
1120 population;
- 1121 (c) whether the substance is an immediate precursor, as defined in Section 58-37-2, of  
1122 a substance that is currently a controlled substance;
- 1123 (d) the current state of scientific knowledge regarding the substance, including whether  
1124 there is any acceptable means to safely use the substance under medical supervision;
- 1125 (e) the relationship between the use of the substance and criminal activity, including  
1126 whether:
- 1127 (i) persons engaged in illicit trafficking of the substance are also engaged in other  
1128 criminal activity;
- 1129 (ii) the nature and relative profitability of manufacturing or delivering the substance  
1130 encourages illicit trafficking in the substance;
- 1131 (iii) the commission of other crimes is one of the recognized effects of abuse of the  
1132 substance; and
- 1133 (iv) addiction to the substance relates to the commission of crimes to facilitate the  
1134 continued use of the substance;
- 1135 (f) whether the substance has been scheduled by other states; and
- 1136 (g) whether the substance has any accepted medical use in treatment in the United  
1137 States.
- 1138 (4) The committee's duties under this chapter do not include tobacco products as  
1139 defined in Section 59-14-102 or alcoholic beverages as defined in Section 32B-1-102.  
1140 Section 41. Section 58-38a-203.1 is enacted to read:  
1141 **58-38a-203.1. Qualifying illness for treatment using medical cannabidiol --**

1142 **Committee duties -- Recommendation to Legislature.**

1143 (1) For the purposes of Title 26, Chapter 58, Medical Cannabidiol Act, the following  
1144 conditions are considered a qualifying illness:

- 1145 (a) epilepsy;
- 1146 (b) nausea and vomiting during chemotherapy;
- 1147 (c) appetite stimulation caused by an HIV or AIDS infection;
- 1148 (d) muscle spasticity or a movement disorder; and
- 1149 (e) neuropathic pain conditions as follows:
  - 1150 (i) complex regional pain syndrome;
  - 1151 (ii) peripheral neuropathy caused by diabetes;
  - 1152 (iii) post herpetic neuralgia;
  - 1153 (iv) pain related to HIV;
  - 1154 (v) pain related to cancer;
  - 1155 (vi) pain occurring after and related to a stroke; and
  - 1156 (vii) phantom limb pain.

1157 (2) On or before September 30 of each year, the committee shall:

1158 (a) review the list of conditions described in Subsection (1) to determine if, based on  
1159 available medically relevant information, it is medically appropriate to add or remove a  
1160 condition from the list; and

1161 (b) present the committee's recommendation to the Health and Human Services Interim  
1162 Committee.

1163 Section 42. Section **58-67-807** is enacted to read:

1164 **58-67-807. Recommendation of cannabidiol -- Registration with division and**  
1165 **Department of Health.**

1166 (1) A physician may recommend the use of cannabidiol to a patient in accordance with  
1167 Title 26, Chapter 58, Medical Cannabidiol Act, if the physician:

- 1168 (a) registers with the division and the Department of Health as a physician who  
1169 recommends cannabidiol; and
- 1170 (b) completes the training required under Subsection (3).

1171 (2) A physician who recommends cannabidiol shall:

1172 (a) recommend cannabidiol to no more than an amount of patients determined by the

1173 Department of Health by rule made in accordance with Title 63G, Chapter 3, Utah  
1174 Administrative Rulemaking Act;  
1175 (b) consult the controlled substance database before recommending cannabidiol to a  
1176 patient to determine if the patient is abusing cannabidiol;  
1177 (c) report an adverse event experienced by a patient related to the patient's medical  
1178 cannabidiol use to the Department of Health; and  
1179 (d) report other data on cannabidiol required by Title 26, Chapter 58, Medical  
1180 Cannabidiol Act.  
1181 (3) (a) The division shall establish by rule made in accordance with Title 63G, Chapter  
1182 3, Utah Administrative Rulemaking Act, training requirements for a physician that  
1183 recommends cannabidiol.  
1184 (b) The division shall include, in the training requirements the division establishes  
1185 under Subsection (3)(a), training on using caution when recommending cannabidiol to avoid  
1186 patient cannabidiol abuse.  
1187 (4) It is not a breach of the applicable standard of care for a physician to recommend  
1188 treatment with cannabidiol to an individual under this section and Title 26, Chapter 58,  
1189 Medical Cannabidiol Act.  
1190 (5) A physician who recommends treatment with cannabidiol or a cannabidiol product  
1191 to an individual under this section and Title 26, Chapter 58, Medical Cannabidiol Act, may not,  
1192 solely based on that recommendation, be subject to:  
1193 (a) civil liability;  
1194 (b) criminal liability; or  
1195 (c) licensure sanctions under this chapter.  
1196 Section 43. Section **58-68-807** is enacted to read:  
1197 **58-68-807. Recommendation of cannabidiol -- Registration with division and**  
1198 **Department of Health.**  
1199 (1) A physician may recommend the use of cannabidiol to a patient in accordance with  
1200 Title 26, Chapter 58, Medical Cannabidiol Act, if the physician:  
1201 (a) registers with the division and the Department of Health as a physician who  
1202 recommends cannabidiol; and  
1203 (b) completes the training required under Subsection (3).

1204           (2) A physician who recommends cannabidiol shall:  
1205           (a) recommend cannabidiol to no more than an amount of patients determined by the  
1206 Department of Health by rule made in accordance with Title 63G, Chapter 3, Utah  
1207 Administrative Rulemaking Act;  
1208           (b) consult the controlled substance database before recommending cannabidiol to a  
1209 patient to determine if the patient is abusing cannabidiol;  
1210           (c) report an adverse event experienced by a patient related to the patient's medical  
1211 cannabidiol use to the Department of Health; and  
1212           (d) report other data on cannabidiol required by Title 26, Chapter 58, Medical  
1213 Cannabidiol Act.  
1214           (3) (a) The division shall establish by rule made in accordance with Title 63G, Chapter  
1215 3, Utah Administrative Rulemaking Act, training requirements for a physician that  
1216 recommends cannabidiol.  
1217           (b) The division shall include, in the training requirements the division establishes  
1218 under Subsection (3)(a), training on using caution when recommending cannabidiol to avoid  
1219 patient cannabidiol abuse.  
1220           (4) It is not a breach of the applicable standard of care for a physician to recommend  
1221 treatment with cannabidiol to an individual under this section and Title 26, Chapter 58,  
1222 Medical Cannabidiol Act.  
1223           (5) A physician who recommends treatment with cannabidiol or a cannabidiol product  
1224 to an individual under this section and Title 26, Chapter 58, Medical Cannabidiol Act, may not,  
1225 solely based on that recommendation, be subject to:  
1226           (a) civil liability;  
1227           (b) criminal liability; or  
1228           (c) licensure sanctions under this chapter.  
1229           Section 44. Section **58-86-101** is enacted to read:  
1230                           **CHAPTER 86. CANNABIDIOL DISPENSARY LICENSE**  
1231   **Part 1. General Provisions**  
1232           **58-86-101. Title.**  
1233           This chapter is known as "Cannabidiol Dispensary License."  
1234           Section 45. Section **58-86-102** is enacted to read:



1235 **58-86-102. Definitions.**

1236 As used in this chapter:

1237 (1) "Cannabidiol" means the same as that term is defined in Section [58-37-3.6](#).

1238 (2) "Cannabidiol cultivation facility" means the same as that term is defined in Section

1239 [4-42-102](#).

1240 (3) "Cannabidiol dispensary" means a person that:

1241 (a) sells cannabidiol; or

1242 (b) purchases or possesses cannabidiol with the intent to sell cannabidiol.

1243 (4) "Cannabidiol dispensary agent" means an owner, officer, director, board member,  
1244 shareholder, agent, employee or volunteer of a cannabidiol dispensary.

1245 (5) "Cannabidiol dispensary agent registration card" means a registration card, issued  
1246 by the division under Section [58-85-301](#), that authorizes an individual to be a cannabidiol  
1247 dispensary agent.

1248 (6) "Cannabidiol production establishment" means the same as that term is defined in  
1249 Section [4-42-102](#).

1250 (7) "Cannabidiol production establishment agent" means the same as that term is  
1251 defined in Section [4-42-102](#).

1252 (8) "Cannabidiol production establishment agent registration card" means the same as  
1253 that term is defined in Section [4-42-102](#).

1254 (9) "Cannabis" means the same as that term is defined in Section [58-37-3.6](#).

1255 (10) "Designated caregiver" means the same as that term is defined in Section  
1256 [26-58-102](#).

1257 (11) "Electronic verification system" means the system described in Section [26-58-104](#).

1258 (12) "Independent cannabidiol testing laboratory" means the same as that term is  
1259 defined in Section [4-42-102](#).

1260 (13) "Inventory control system" means the system described in Section [4-42-103](#).

1261 (14) "Medical cannabidiol card" means the same as that term is defined in Section  
1262 [26-58-102](#).

1263 (15) "Physician" means the same as that term is defined in Section [26-58-102](#).

1264 Section 46. Section **58-86-201** is enacted to read:

1265 **Part 2. License and Eligibility**

1266 **58-86-201. Cannabidiol dispensary -- License -- Eligibility.**

1267 (1) A person may not operate as a cannabidiol dispensary without a license from the  
1268 division issued under this part.

1269 (2) Subject to the requirements of this part, the division shall, within 30 business days  
1270 after receiving a complete application, issue a license to operate a cannabidiol dispensary to a  
1271 person who submits to the division:

1272 (a) a proposed name, address, and physical location where the person will operate the  
1273 cannabidiol dispensary;

1274 (b) evidence that the person:

1275 (i) possesses or controls a minimum of \$50,000 in liquid assets for each application  
1276 submitted to the division;

1277 (ii) can comply with the operating requirements for a cannabidiol dispensary described  
1278 in this chapter;

1279 (iii) will implement an inventory control system at the cannabidiol dispensary; and

1280 (iv) can obtain a business license and meet zoning requirements established by a  
1281 political subdivision;

1282 (c) an application fee, in an amount determined by the division in accordance with  
1283 Section [63J-1-504](#), that is necessary to cover the division's cost to implement this part; and

1284 (d) an operating plan that complies with Section [58-86-203](#).

1285 (3) If the division determines that a cannabidiol dispensary is eligible for a license  
1286 under this section, the division shall charge the cannabidiol dispensary an initial license fee in  
1287 an amount determined by the division in accordance with Section [63J-1-504](#).

1288 (4) The division may revoke a license under this chapter if the cannabidiol dispensary  
1289 is not operational within one year of the issuance of the initial license.

1290 Section 47. Section **58-86-202** is enacted to read:

1291 **58-86-202. Renewal.**

1292 (1) Except as provided in Subsection (2), the division shall renew a person's license  
1293 under this part every two years if, at the time of renewal:

1294 (a) the person meets the requirements of Section [58-86-201](#); and

1295 (b) the person pays the division a license renewal fee in an amount determined by the  
1296 division in accordance with Section [63J-1-504](#).

1297           (2) (a) The division may not renew a cannabidiol dispensary's license for a sixth  
1298 consecutive time unless the division publishes a notice, in a newspaper of general circulation  
1299 for the geographic area in which the cannabidiol dispensary is located, one year before the day  
1300 on which the cannabidiol dispensary's license expires, that includes:

- 1301           (i) the name and location of the cannabidiol dispensary;
- 1302           (ii) the day on which the license for the cannabidiol dispensary will expire; and
- 1303           (iii) a solicitation for cannabidiol dispensary license applicants.

1304           (b) If, after the division publishes the notice described in Subsection (2)(a), the division  
1305 receives an application for a cannabidiol dispensary from a new applicant and also receives an  
1306 application for renewal from the existing cannabidiol dispensary, the division shall issue the  
1307 license to the applicant that the division determines best meets the criteria established in  
1308 Section [58-86-204](#).

1309           (3) (a) If a licensed cannabidiol dispensary abandons the cannabidiol dispensary's  
1310 license, the division shall publish notice of an available license in the same manner as  
1311 described in Subsection (2)(a).

1312           (b) The division may establish criteria, in accordance with Title 63G, Chapter 3, Utah  
1313 Administrative Rulemaking Act, for what actions by a cannabidiol dispensary constitute  
1314 abandonment of a cannabidiol dispensary license.

1315           Section 48. Section **58-86-203** is enacted to read:

1316           **58-86-203. Operating plan.**

1317           (1) A person applying for a cannabidiol dispensary license shall submit to the division  
1318 a proposed operating plan for the cannabidiol dispensary.

1319           (2) The operating plan described in Subsection (1) shall include:

- 1320           (a) a description of the cannabidiol dispensary's employee training standards;
- 1321           (b) a security plan for the cannabidiol dispensary;
- 1322           (c) the time period in which the person estimates the cannabidiol dispensary will  
1323 become operational; and

1324           (d) the products, and anticipated sources of the products, that a cannabidiol dispensary  
1325 plans to sell.

1326           Section 49. Section **58-86-204** is enacted to read:

1327           **58-86-204. Maximum number of licenses.**

1328 (1) The division may not issue more than five cannabidiol dispensary licenses at any  
1329 given time.

1330 (2) If more than one applicant for a license meets the qualifications of this chapter for a  
1331 cannabidiol dispensary, the division shall evaluate the applicants to determine which applicant  
1332 has best demonstrated:

1333 (a) experience with:

1334 (i) establishing and running a business in a related field;

1335 (ii) operating a secure inventory control system;

1336 (iii) complying with a regulatory environment; and

1337 (iv) training, evaluating, and monitoring employees; and

1338 (b) connections to the local community.

1339 Section 50. Section **58-86-301** is enacted to read:

1340 **Part 3. Cannabidiol Dispensary Agents**

1341 **58-86-301. Cannabidiol dispensary agent -- Registration.**

1342 (1) An individual may not act as an owner, officer, director, board member,  
1343 shareholder, agent, or employee of a cannabidiol dispensary unless the individual is registered  
1344 by the division as a cannabidiol dispensary agent.

1345 (2) A physician may not act as a cannabidiol dispensary agent.

1346 (3) The division shall, within 15 business days after receiving a complete application,  
1347 register and issue a cannabidiol dispensary agent registration card to an individual who:

1348 (a) has not been convicted of an offense that is a felony under either state or federal  
1349 law;

1350 (b) provides to the division:

1351 (i) the individual's name and address; and

1352 (ii) the name and location of the licensed cannabidiol dispensary where the individual  
1353 will act as a cannabidiol dispensary agent;

1354 (c) pays a registration fee to the division, in an amount determined by the division in  
1355 accordance with Section [63J-1-504](#), that is necessary to cover the division's cost to implement  
1356 this chapter;

1357 (d) complies with the requirement for, and passes, a criminal background check  
1358 described in Section [58-86-302](#); and

1359 (e) demonstrates to the division that the individual has completed a training program  
1360 designated by the division under Subsection (4).

1361 (4) The division shall establish cannabidiol dispensary agent training requirements by  
1362 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1363 (5) The division shall revoke or refuse to issue the cannabidiol dispensary agent  
1364 registration card of an individual who:

1365 (a) violates the requirements of this chapter; or

1366 (b) is convicted of an offense that is a felony under state or federal law.

1367 Section 51. Section **58-86-302** is enacted to read:

1368 **58-86-302. Cannabidiol dispensary agents -- Criminal background checks.**

1369 (1) An individual applying for a cannabidiol dispensary agent registration card under  
1370 this chapter shall:

1371 (a) submit to the division:

1372 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and

1373 (ii) a signed waiver in accordance with Subsection [53-10-108](#)(4) indicating that the

1374 individual's fingerprints are being registered in the Federal Bureau of Investigation's Next

1375 Generation Identification system's Rap Back Service; and

1376 (b) consent to a fingerprint background check by:

1377 (i) the Utah Bureau of Criminal Identification; and

1378 (ii) the Federal Bureau of Investigation.

1379 (2) The Bureau of Criminal Identification shall:

1380 (a) check the fingerprints submitted under Subsection (1) against the applicable state,

1381 regional and national criminal records databases, including the Federal Bureau of

1382 Investigation's Next Generation Identification system;

1383 (b) report the results of the background check to the department;

1384 (c) maintain a separate file of fingerprints submitted under Subsection (1) for search by

1385 future submissions to the local and regional criminal records databases, including latent prints;

1386 (d) request that the fingerprints be retained in the Federal Bureau of Investigation's

1387 Next Generation Identification system's Rap Back Service for search by future submissions to

1388 national criminal records databases, including the Next Generation Identification system and

1389 latent prints; and

1390 (e) establish a privacy risk mitigation strategy to ensure that the entity only receives  
1391 notifications for an individual with whom the entity maintains an authorizing relationship.

1392 (4) The division shall:

1393 (a) assess an individual who submits fingerprints, in accordance with this section, a fee  
1394 that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of  
1395 Criminal Identification or other authorized agency provides under this section; and

1396 (b) remit a fee collected under Subsection (4)(a) to the Bureau of Criminal  
1397 Identification.

1398 Section 52. Section **58-86-303** is enacted to read:

1399 **58-86-303. Cannabidiol dispensary agent registration card -- Required to carry**  
1400 **registration card.**

1401 (1) An individual who has a cannabidiol dispensary agent registration card shall carry  
1402 the individual's cannabidiol dispensary agent registration card with the individual at all times  
1403 when:

1404 (a) the individual is on the premises of a cannabidiol dispensary; and

1405 (b) the individual is transporting cannabis or cannabidiol between two cannabidiol  
1406 production establishments or transporting cannabidiol between a cannabidiol production  
1407 establishment and a cannabidiol dispensary.

1408 (2) A cannabidiol dispensary agent registered with the department is guilty of an  
1409 infraction if the registered cannabidiol dispensary agent:

1410 (a) (i) is on the premises of a cannabidiol dispensary where the individual is registered  
1411 as an agent; or

1412 (ii) transports cannabis or cannabidiol; and

1413 (b) does not possess, on the registered cannabidiol dispensary agent's person, a valid  
1414 cannabidiol dispensary agent registration card.

1415 (3) A registered cannabidiol dispensary agent who is guilty of an infraction under  
1416 Subsection (3) is subject to a \$100 fine.

1417 Section 53. Section **58-86-401** is enacted to read:

1418 **Part 4. Cannabidiol Dispensary Operation Requirements**

1419 **58-86-401. Operating requirements -- General.**

1420 (1) (a) A cannabidiol dispensary shall operate in accordance with the operating plan

- 1421 that the cannabidiol dispensary provides to the department under Section [58-86-203](#).
- 1422 (b) A cannabidiol dispensary shall notify the department within 30 days of any change  
1423 in the cannabidiol dispensary's operation plan.
- 1424 (2) Except as provided in Subsection (3), a cannabidiol dispensary shall operate:
- 1425 (a) in a facility that is accessible only by an individual with a valid cannabidiol  
1426 dispensary agent registration card issued under Section [58-86-301](#) or by an individual with a  
1427 medical cannabidiol card; and
- 1428 (b) at the physical address provided to the department under Section [58-86-201](#).
- 1429 (3) A cannabidiol production facility may allow the press, a visitor, or a contractor  
1430 access to the cannabidiol dispensary if:
- 1431 (a) the cannabidiol production facility tracks and monitors the individual at all times  
1432 while the individual is in the cannabidiol dispensary; and
- 1433 (b) a record of the individual's access to the cannabidiol dispensary is maintained by  
1434 the cannabidiol dispensary.
- 1435 (4) A cannabidiol dispensary may not operate without:
- 1436 (a) a security system with a backup power source in the event of a power outage to:
- 1437 (i) detect and record entry at all times the cannabidiol dispensary is closed; and  
1438 (ii) provide notice of unauthorized entry to local law enforcement;
- 1439 (b) a lock on any entrance to the area of the cannabidiol dispensary where cannabidiol  
1440 is stored; and
- 1441 (c) an inventory control system that complies with Section [4-42-104](#).
- 1442 (5) Except as provided in Subsection (6), a physician may not:
- 1443 (a) serve as a cannabidiol dispensary agent; or  
1444 (b) except online, advertise that the physician may or will recommend cannabidiol.
- 1445 (6) (a) A cannabidiol dispensary shall employ an individual licensed as a pharmacist  
1446 under Title 58, Chapter 17b, Pharmacy Practice Act, to act as a consultant.
- 1447 (b) The individual described in Subsection (6)(a) shall:
- 1448 (i) review the records of each individual with a medical cannabidiol card who  
1449 purchases cannabidiol from the cannabidiol dispensary; and
- 1450 (ii) answer questions for an individual with a medical cannabidiol card.
- 1451 (7) A cannabidiol dispensary may not allow any individual to consume cannabidiol on

1452 the property or premises of the establishment.

1453 (8) A cannabidiol dispensary may not sell cannabidiol before January 1, 2017.

1454 Section 54. Section **58-86-402** is enacted to read:

1455 **58-86-402. Dispensing -- Amount a cannabidiol dispensary may dispense --**

1456 **Reporting -- Form of cannabis or cannabis product.**

1457 (1) A cannabidiol dispensary may only sell, subject to this chapter:

1458 (a) cannabidiol; or

1459 (b) educational materials related to the medical use of cannabidiol.

1460 (2) A cannabidiol dispensary may only sell cannabidiol to an individual with a medical  
1461 cannabidiol card issued by the department.

1462 (3) A cannabidiol dispensary may not dispense on behalf of any one individual with a  
1463 medical cannabidiol card, in any one 30-day period, an amount of cannabidiol that exceeds a  
1464 30-day supply of the dosage recommended by the individual's physician.

1465 (4) An individual with a medical cannabidiol card may not purchase more cannabidiol  
1466 than the amounts designated in Subsection (3).

1467 (5) A designated caregiver designated by any one individual with a medical  
1468 cannabidiol card may not purchase, for the individual, an amount of cannabidiol that exceeds  
1469 the amounts designated in Subsection (3).

1470 (6) A cannabidiol dispensary shall:

1471 (a) submit a record to the electronic verification system of each time the cannabidiol  
1472 dispensary dispenses cannabidiol to an individual with a medical cannabidiol card;

1473 (b) access the electronic verification system before dispensing cannabidiol to an  
1474 individual with a medical cannabis card in order to determine if the individual has exceeded the  
1475 amount of cannabis or cannabis products described in Subsection (3); and

1476 (c) comply with Section [58-37f-204](#).

1477 Section 55. Section **58-86-403** is enacted to read:

1478 **58-86-403. Product quality -- Labeling -- Packaging.**

1479 (1) A cannabidiol dispensary may not sell or offer to sell cannabidiol unless:

1480 (a) the amount of cannabidiol is clearly and accurately stated on the cannabidiol  
1481 packaging; and

1482 (b) the cannabidiol is sealed in a tamper resistant, resealable container with a label that



1483 includes a bar code or identification number that links the cannabidiol to the cannabidiol  
1484 dispensary's inventory control system.

1485 (2) A cannabidiol dispensary may only sell cannabidiol that has been inspected by an  
1486 independent cannabidiol testing laboratory in accordance with Section [4-42-701](#).

1487 Section 56. Section **58-86-404** is enacted to read:

1488 **58-86-404. Advertising.**

1489 (1) Except as provided in Subsection (2), a cannabidiol dispensary may not advertise in  
1490 any medium.

1491 (2) A cannabidiol dispensary may advertise using a:

1492 (a) sign on the outside of the cannabidiol dispensary that includes only the cannabidiol  
1493 dispensary's name and hours of operation; and

1494 (b) a website that includes information about the location of the dispensary, products  
1495 and services available at the dispensary, and educational materials related to the use of  
1496 cannabidiol.

1497 Section 57. Section **58-86-405** is enacted to read:

1498 **58-86-405. Inspections.**

1499 (1) The division shall inspect, in accordance with Subsection (2), a cannabidiol  
1500 dispensary's facility and records in order to determine if the cannabidiol dispensary complies  
1501 with the requirements of this chapter.

1502 (2) The division may inspect the records and facility of a cannabidiol dispensary:

1503 (a) as many as four times per year, scheduled or unscheduled; and

1504 (b) if the division has reason to believe that the cannabidiol dispensary has violated the  
1505 law, at any time, scheduled or unscheduled.

1506 Section 58. Section **58-86-406** is enacted to read:

1507 **58-86-406. Cannabidiol transportation.**

1508 (1) An individual may not transport cannabidiol unless the individual has a valid:

1509 (a) cannabidiol production establishment agent registration card; or

1510 (b) cannabidiol dispensary agent registration card.

1511 (2) An individual transporting cannabidiol shall keep a transportation record that  
1512 includes:

1513 (a) a bar code or identification number that links the cannabidiol to a relevant inventory

1514 control system;

1515 (b) origin and destination information for any cannabidiol the individual is  
1516 transporting; and

1517 (c) monitors the departure and arrival time of the individual transporting the  
1518 cannabidiol.

1519 (3) In addition to the requirements in Subsections (1) and (2), the Department of  
1520 Agriculture and Food may establish, by rule made in accordance with Title 63G, Chapter 3,  
1521 Utah Administrative Rulemaking Act, requirements for transporting cannabidiol related to  
1522 human consumption safety.

1523 (4) A cannabidiol dispensary agent registered with the department is guilty of an  
1524 infraction if the registered cannabidiol dispensary agent:

1525 (a) transports cannabis or cannabidiol; and

1526 (b) does not possess, on the registered cannabidiol dispensary agent's person or in the  
1527 transport vehicle, a transportation record that complies with Subsection (2).

1528 (5) A registered cannabidiol dispensary agent who is guilty of an infraction under  
1529 Subsection (3) is subject to a \$100 fine.

1530 Section 59. Section **58-86-501** is enacted to read:

1531 **Part 5. Enforcement**

1532 **58-86-501. Enforcement -- Fine -- Citation.**

1533 (1) The division may, for a violation of this chapter by a person who is a cannabidiol  
1534 dispensary or cannabidiol dispensary agent:

1535 (a) revoke the person's license;

1536 (b) refuse to renew the person's license;

1537 (c) assess the person an administrative penalty; or

1538 (d) take any other appropriate administrative action.

1539 (2) The division shall deposit an administrative penalty imposed under this section into  
1540 the General Fund as a dedicated credit to be used by the division to administer and enforce this  
1541 chapter.

1542 (3) The division may, for a person subject to an uncontested citation, a stipulated  
1543 settlement, or a finding of a violation in an adjudicative proceeding under this section:

1544 (a) assess the person a fine, established in accordance with Section [63J-1-504](#), of up to

1545 \$5,000 per violation, in accordance with a fine schedule established by rule made in accordance  
1546 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1547 (b) order the person to cease and desist from the action that creates a violation.

1548 (4) The division may not revoke a cannabidiol dispensary's license via a citation.

1549 (5) If within 20 calendar days after the day on which a division serves a citation for a  
1550 violation of this chapter, the person that is the subject of the citation fails to request a hearing  
1551 to contest the citation, the citation becomes the basis of the division's final order.

1552 (6) The division may, for a person who fails to comply with a citation under this  
1553 section:

1554 (a) refuse to issue or renew the person's license or cannabidiol dispensary agent  
1555 registration card; or

1556 (b) suspend, revoke, or place on probation the person's license or cannabidiol  
1557 dispensary agent registration card.

1558 Section 60. Section **59-12-103** is amended to read:

1559 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
1560 **tax revenues.**

1561 (1) A tax is imposed on the purchaser as provided in this part for amounts paid or  
1562 charged for the following transactions:

1563 (a) retail sales of tangible personal property made within the state;

1564 (b) amounts paid for:

1565 (i) telecommunications service, other than mobile telecommunications service, that  
1566 originates and terminates within the boundaries of this state;

1567 (ii) mobile telecommunications service that originates and terminates within the  
1568 boundaries of one state only to the extent permitted by the Mobile Telecommunications

1569 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1570 (iii) an ancillary service associated with a:

1571 (A) telecommunications service described in Subsection (1)(b)(i); or

1572 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1573 (c) sales of the following for commercial use:

1574 (i) gas;

1575 (ii) electricity;

- 1576 (iii) heat;
- 1577 (iv) coal;
- 1578 (v) fuel oil; or
- 1579 (vi) other fuels;
- 1580 (d) sales of the following for residential use:
- 1581 (i) gas;
- 1582 (ii) electricity;
- 1583 (iii) heat;
- 1584 (iv) coal;
- 1585 (v) fuel oil; or
- 1586 (vi) other fuels;
- 1587 (e) sales of prepared food;
- 1588 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1589 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1590 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1591 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1592 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1593 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1594 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1595 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1596 exhibition, cultural, or athletic activity;
- 1597 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1598 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 1599 (i) the tangible personal property; and
- 1600 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1601 in Subsection (1)(g)(i), regardless of whether:
- 1602 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 1603 property; or
- 1604 (B) the particular parts used in the repairs or renovations of that tangible personal
- 1605 property are exempt from a tax under this chapter;
- 1606 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for

1607 assisted cleaning or washing of tangible personal property;

1608 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court

1609 accommodations and services that are regularly rented for less than 30 consecutive days;

1610 (j) amounts paid or charged for laundry or dry cleaning services;

1611 (k) amounts paid or charged for leases or rentals of tangible personal property if within

1612 this state the tangible personal property is:

1613 (i) stored;

1614 (ii) used; or

1615 (iii) otherwise consumed;

1616 (l) amounts paid or charged for tangible personal property if within this state the

1617 tangible personal property is:

1618 (i) stored;

1619 (ii) used; or

1620 (iii) consumed; [~~and~~]

1621 (m) amounts paid or charged for a sale:

1622 (i) (A) of a product transferred electronically; or

1623 (B) of a repair or renovation of a product transferred electronically; and

1624 (ii) regardless of whether the sale provides:

1625 (A) a right of permanent use of the product; or

1626 (B) a right to use the product that is less than a permanent use, including a right:

1627 (I) for a definite or specified length of time; and

1628 (II) that terminates upon the occurrence of a condition[-]; and

1629 (n) retail sales of cannabidiol as that term is defined in Section 58-37-3.6.

1630 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax

1631 is imposed on a transaction described in Subsection (1) equal to the sum of:

1632 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

1633 (A) 4.70%; and

1634 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales

1635 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211

1636 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional

1637 State Sales and Use Tax Act; and

1638 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
1639 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1640 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
1641 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1642 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1643 transaction under this chapter other than this part.

1644 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed  
1645 on a transaction described in Subsection (1)(d) equal to the sum of:

1646 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1647 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1648 transaction under this chapter other than this part.

1649 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed  
1650 on amounts paid or charged for food and food ingredients equal to the sum of:

1651 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
1652 a tax rate of 1.75%; and

1653 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1654 amounts paid or charged for food and food ingredients under this chapter other than this part.

1655 (d) (i) For a bundled transaction that is attributable to food and food ingredients and  
1656 tangible personal property other than food and food ingredients, a state tax and a local tax is  
1657 imposed on the entire bundled transaction equal to the sum of:

1658 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1659 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1660 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
1661 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1662 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
1663 Additional State Sales and Use Tax Act; and

1664 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
1665 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1666 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
1667 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1668 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates

1669 described in Subsection (2)(a)(ii).

1670 (ii) If an optional computer software maintenance contract is a bundled transaction that  
1671 consists of taxable and nontaxable products that are not separately itemized on an invoice or  
1672 similar billing document, the purchase of the optional computer software maintenance contract  
1673 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1674 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled  
1675 transaction described in Subsection (2)(d)(i) or (ii):

1676 (A) if the sales price of the bundled transaction is attributable to tangible personal  
1677 property, a product, or a service that is subject to taxation under this chapter and tangible  
1678 personal property, a product, or service that is not subject to taxation under this chapter, the  
1679 entire bundled transaction is subject to taxation under this chapter unless:

1680 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1681 personal property, product, or service that is not subject to taxation under this chapter from the  
1682 books and records the seller keeps in the seller's regular course of business; or

1683 (II) state or federal law provides otherwise; or

1684 (B) if the sales price of a bundled transaction is attributable to two or more items of  
1685 tangible personal property, products, or services that are subject to taxation under this chapter  
1686 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
1687 higher tax rate unless:

1688 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1689 personal property, product, or service that is subject to taxation under this chapter at the lower  
1690 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1691 (II) state or federal law provides otherwise.

1692 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the  
1693 seller's regular course of business includes books and records the seller keeps in the regular  
1694 course of business for nontax purposes.

1695 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)  
1696 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
1697 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
1698 of tangible personal property, other property, a product, or a service that is not subject to  
1699 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless

1700 the seller, at the time of the transaction:

1701 (A) separately states the portion of the transaction that is not subject to taxation under  
1702 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1703 (B) is able to identify by reasonable and verifiable standards, from the books and  
1704 records the seller keeps in the seller's regular course of business, the portion of the transaction  
1705 that is not subject to taxation under this chapter.

1706 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1707 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
1708 the transaction that is not subject to taxation under this chapter was not separately stated on an  
1709 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
1710 ignorance of the law; and

1711 (B) the seller is able to identify by reasonable and verifiable standards, from the books  
1712 and records the seller keeps in the seller's regular course of business, the portion of the  
1713 transaction that is not subject to taxation under this chapter.

1714 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps  
1715 in the seller's regular course of business includes books and records the seller keeps in the  
1716 regular course of business for nontax purposes.

1717 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible  
1718 personal property, products, or services that are subject to taxation under this chapter at  
1719 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate  
1720 unless the seller, at the time of the transaction:

1721 (A) separately states the items subject to taxation under this chapter at each of the  
1722 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1723 (B) is able to identify by reasonable and verifiable standards the tangible personal  
1724 property, product, or service that is subject to taxation under this chapter at the lower tax rate  
1725 from the books and records the seller keeps in the seller's regular course of business.

1726 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the  
1727 seller's regular course of business includes books and records the seller keeps in the regular  
1728 course of business for nontax purposes.

1729 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax  
1730 rate imposed under the following shall take effect on the first day of a calendar quarter:



- 1731 (i) Subsection (2)(a)(i)(A);
- 1732 (ii) Subsection (2)(b)(i);
- 1733 (iii) Subsection (2)(c)(i); or
- 1734 (iv) Subsection (2)(d)(i)(A)(I).
- 1735 (h) (i) A tax rate increase takes effect on the first day of the first billing period that
- 1736 begins on or after the effective date of the tax rate increase if the billing period for the
- 1737 transaction begins before the effective date of a tax rate increase imposed under:
  - 1738 (A) Subsection (2)(a)(i)(A);
  - 1739 (B) Subsection (2)(b)(i);
  - 1740 (C) Subsection (2)(c)(i); or
  - 1741 (D) Subsection (2)(d)(i)(A)(I).
- 1742 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 1743 statement for the billing period is rendered on or after the effective date of the repeal of the tax
- 1744 or the tax rate decrease imposed under:
  - 1745 (A) Subsection (2)(a)(i)(A);
  - 1746 (B) Subsection (2)(b)(i);
  - 1747 (C) Subsection (2)(c)(i); or
  - 1748 (D) Subsection (2)(d)(i)(A)(I).
- 1749 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
- 1750 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
- 1751 change in a tax rate takes effect:
  - 1752 (A) on the first day of a calendar quarter; and
  - 1753 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1754 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:
  - 1755 (A) Subsection (2)(a)(i)(A);
  - 1756 (B) Subsection (2)(b)(i);
  - 1757 (C) Subsection (2)(c)(i); or
  - 1758 (D) Subsection (2)(d)(i)(A)(I).
- 1759 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1760 the commission may by rule define the term "catalogue sale."
- 1761 (3) (a) The following state taxes shall be deposited into the General Fund:

- 1762 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1763 (ii) the tax imposed by Subsection (2)(b)(i);
- 1764 (iii) the tax imposed by Subsection (2)(c)(i); or
- 1765 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
- 1766 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1767 in this chapter:
- 1768 (i) the tax imposed by Subsection (2)(a)(ii);
- 1769 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1770 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 1771 (iv) the tax imposed by Subsection (2)(d)(i)(B).
- 1772 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1773 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
- 1774 through (g):
- 1775 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1776 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1777 (B) for the fiscal year; or
- 1778 (ii) \$17,500,000.
- 1779 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
- 1780 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
- 1781 Department of Natural Resources to:
- 1782 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
- 1783 protect sensitive plant and animal species; or
- 1784 (B) award grants, up to the amount authorized by the Legislature in an appropriations
- 1785 act, to political subdivisions of the state to implement the measures described in Subsections
- 1786 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.
- 1787 (ii) Money transferred to the Department of Natural Resources under Subsection
- 1788 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
- 1789 person to list or attempt to have listed a species as threatened or endangered under the
- 1790 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
- 1791 (iii) At the end of each fiscal year:
- 1792 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources

1793 Conservation and Development Fund created in Section 73-10-24;

1794 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan

1795 Program Subaccount created in Section 73-10c-5; and

1796 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan

1797 Program Subaccount created in Section 73-10c-5.

1798 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in

1799 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund

1800 created in Section 4-18-106.

1801 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described

1802 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water

1803 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of

1804 water rights.

1805 (ii) At the end of each fiscal year:

1806 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources

1807 Conservation and Development Fund created in Section 73-10-24;

1808 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan

1809 Program Subaccount created in Section 73-10c-5; and

1810 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan

1811 Program Subaccount created in Section 73-10c-5.

1812 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described

1813 in Subsection (4)(a) shall be deposited in the Water Resources Conservation and Development

1814 Fund created in Section 73-10-24 for use by the Division of Water Resources.

1815 (ii) In addition to the uses allowed of the Water Resources Conservation and

1816 Development Fund under Section 73-10-24, the Water Resources Conservation and

1817 Development Fund may also be used to:

1818 (A) conduct hydrologic and geotechnical investigations by the Division of Water

1819 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of

1820 quantifying surface and ground water resources and describing the hydrologic systems of an

1821 area in sufficient detail so as to enable local and state resource managers to plan for and

1822 accommodate growth in water use without jeopardizing the resource;

1823 (B) fund state required dam safety improvements; and

1824 (C) protect the state's interest in interstate water compact allocations, including the  
1825 hiring of technical and legal staff.

1826 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1827 in Subsection (4)(a) shall be deposited in the Utah Wastewater Loan Program Subaccount  
1828 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1829 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1830 in Subsection (4)(a) shall be deposited in the Drinking Water Loan Program Subaccount  
1831 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1832 (i) provide for the installation and repair of collection, treatment, storage, and  
1833 distribution facilities for any public water system, as defined in Section 19-4-102;

1834 (ii) develop underground sources of water, including springs and wells; and

1835 (iii) develop surface water sources.

1836 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1837 2006, the difference between the following amounts shall be expended as provided in this  
1838 Subsection (5), if that difference is greater than \$1:

1839 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
1840 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1841 (ii) \$17,500,000.

1842 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1843 (A) transferred each fiscal year to the Department of Natural Resources as dedicated  
1844 credits; and

1845 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
1846 restoration.

1847 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1848 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund  
1849 created in Section 73-10-24.

1850 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1851 remaining difference described in Subsection (5)(a) shall be:

1852 (A) transferred each fiscal year to the Division of Water Resources as dedicated  
1853 credits; and

1854 (B) expended by the Division of Water Resources for cloud-seeding projects

1855 authorized by Title 73, Chapter 15, Modification of Weather.

1856 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1857 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund  
1858 created in Section 73-10-24.

1859 (d) After making the transfers required by Subsections (5)(b) and (c), 94% of the  
1860 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1861 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
1862 Division of Water Resources for:

1863 (i) preconstruction costs:

1864 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
1865 26, Bear River Development Act; and

1866 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1867 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1868 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
1869 Chapter 26, Bear River Development Act;

1870 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
1871 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1872 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, 73-10-30, and  
1873 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1874 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to  
1875 Subsection (5)(f), 6% of the remaining difference described in Subsection (5)(a) shall be  
1876 transferred each year as dedicated credits to the Division of Water Rights to cover the costs  
1877 incurred for employing additional technical staff for the administration of water rights.

1878 (f) At the end of each fiscal year, any unexpended dedicated credits described in  
1879 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development  
1880 Fund created in Section 73-10-24.

1881 (6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1882 2003, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a 1/16%  
1883 tax rate on the transactions described in Subsection (1) for the fiscal year shall be deposited in  
1884 the Transportation Fund created by Section 72-2-102.

1885 (7) Notwithstanding Subsection (3)(a), beginning on July 1, 2012, the Division of

1886 Finance shall deposit into the Transportation Investment Fund of 2005 created in Section  
1887 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated  
1888 by a 1/64% tax rate on the taxable transactions under Subsection (1).

1889 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in  
1890 Subsection (7), and subject to Subsection (8)(b), for a fiscal year beginning on or after July 1,  
1891 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005  
1892 created by Section 72-2-124:

1893 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of  
1894 the revenues collected from the following taxes, which represents a portion of the  
1895 approximately 17% of sales and use tax revenues generated annually by the sales and use tax  
1896 on vehicles and vehicle-related products:

- 1897 (A) the tax imposed by Subsection (2)(a)(i)(A);
- 1898 (B) the tax imposed by Subsection (2)(b)(i);
- 1899 (C) the tax imposed by Subsection (2)(c)(i); and
- 1900 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

1901 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the  
1902 current fiscal year from the sales and use taxes described in Subsections (8)(a)(i)(A) through  
1903 (D) that exceeds the amount collected from the sales and use taxes described in Subsections  
1904 (8)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1905 (b) (i) Subject to Subsections (8)(b)(ii) and (iii), in any fiscal year that the portion of  
1906 the sales and use taxes deposited under Subsection (8)(a) represents an amount that is a total  
1907 lower percentage of the sales and use taxes described in Subsections (8)(a)(i)(A) through (D)  
1908 generated in the current fiscal year than the total percentage of sales and use taxes deposited in  
1909 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection  
1910 (8)(a) equal to the product of:

1911 (A) the total percentage of sales and use taxes deposited under Subsection (8)(a) in the  
1912 previous fiscal year; and

1913 (B) the total sales and use tax revenue generated by the taxes described in Subsections  
1914 (8)(a)(i)(A) through (D) in the current fiscal year.

1915 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under  
1916 Subsection (8)(a) would exceed 17% of the revenues collected from the sales and use taxes

1917 described in Subsections (8)(a)(i)(A) through (D) in the current fiscal year, the Division of  
1918 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in  
1919 Subsections (8)(a)(i)(A) through (D) for the current fiscal year under Subsection (8)(a).

1920 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected  
1921 from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) was deposited  
1922 under Subsection (8)(a), the Division of Finance shall annually deposit 17% of the revenues  
1923 collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) in the  
1924 current fiscal year under Subsection (8)(a).

1925 (9) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under  
1926 Subsections (7) and (8), for a fiscal year beginning on or after July 1, 2012, the Division of  
1927 Finance shall annually deposit \$90,000,000 of the revenues generated by the taxes listed under  
1928 Subsection (3)(a) into the Transportation Investment Fund of 2005 created by Section  
1929 [72-2-124](#).

1930 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1931 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1932 created by Section [35A-8-1009](#) and expended as provided in Section [35A-8-1009](#).

1933 (11) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b),  
1934 and in addition to any amounts deposited under Subsections (7), (8), and (9), beginning on July  
1935 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005  
1936 created by Section [72-2-124](#) the amount of tax revenue generated by a .025% tax rate on the  
1937 transactions described in Subsection (1).

1938 (b) For purposes of Subsection (11)(a), the Division of Finance may not deposit into  
1939 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or  
1940 charged for food and food ingredients, except for tax revenue generated by a bundled  
1941 transaction attributable to food and food ingredients and tangible personal property other than  
1942 food and food ingredients described in Subsection (2)(d).

1943 (12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection  
1944 (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the  
1945 Transportation Fund created by Section [72-2-102](#) the amount of tax revenue generated by a  
1946 .025% tax rate on the transactions described in Subsection (1) to be expended to address  
1947 chokepoints in construction management.



1948 (b) For purposes of Subsection (12)(a), the Division of Finance may not deposit into  
1949 the Transportation Fund any tax revenue generated by amounts paid or charged for food and  
1950 food ingredients, except for tax revenue generated by a bundled transaction attributable to food  
1951 and food ingredients and tangible personal property other than food and food ingredients  
1952 described in Subsection (2)(d).

1953 (13) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1954 fiscal year during which the Division of Finance receives notice under Subsection  
1955 [63N-2-510](#)~~(3)~~(2) that construction on a qualified hotel, as defined in Section [63N-2-502](#), has  
1956 begun, the Division of Finance shall, for two consecutive fiscal years, annually deposit  
1957 \$1,900,000 of the revenue generated by the taxes listed under Subsection (3)(a) into the Hotel  
1958 Impact Mitigation Fund, created in Section [63N-2-512](#).

1959 (14) Notwithstanding Subsections (4) through (13), an amount required to be expended  
1960 or deposited in accordance with Subsections (4) through (13) may not include an amount the  
1961 Division of Finance deposits in accordance with Section [59-12-103.2](#).

1962 Section 61. Section **63I-1-258** is amended to read:

1963 **63I-1-258. Repeal dates, Title 58.**

1964 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
1965 repealed July 1, 2026.

1966 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

1967 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

1968 (4) Section [58-37-4.3](#) is repealed July 1, 2016.

1969 (5) Section [58-38a-203.1](#) is repealed July 1, 2017.

1970 ~~(5)~~ (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,  
1971 2023.

1972 ~~(6)~~ (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing  
1973 Act, is repealed July 1, 2019.

1974 ~~(7)~~ (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,  
1975 2025.

1976 ~~(8)~~ (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is  
1977 repealed July 1, 2023.

1978 ~~(9)~~ (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,



- 1979 2024.
- 1980 [~~(10)~~] (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
- 1981 July 1, 2026.
- 1982 [~~(11)~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
- 1983 Section 62. **Effective date.**
- 1984 This bill takes effect on July 1, 2016.