

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE**
20 House Building, Utah State Capitol Complex
March 7, 2016

Members Present: Rep. Kay L. McIff, Chair
Rep. Robert M. Spendlove, Vice Chair
Rep. Stewart E. Barlow
Rep. Melvin R. Brown
Rep. Rebecca Chavez-Houck
Rep. Craig Hall
Rep. Sandra Hollins
Rep. Michael S. Kennedy
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Norman J. Thurston
Rep. Raymond P. Ward

Staff Present: Mr. Mark D. Andrews, Policy Analyst
Ms. Linda Black, House Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes

Chair McIff called the meeting to order at 10:26 a.m.

H.C.R. 3 Concurrent Resolution Supporting Cannabis Research (Rep. B. Daw)

Rep. Daw explained the resolution to the committee.

Spoke for the bill: Jim Ehleringer, University Of Utah Chemistry Department

Spoke against the bill: Dr.Scott Woodward

MOTION: Rep. Ward moved to pass HC.R. 3 out favorably. The motion passed with Rep. Kennedy voting in opposition. Rep. Hollins was absent for the vote.

3rd Substitute S. B. 89 Medical Cannabidiol Amendments (Sen. E. Vickers)

Sen. Vickers explained the bill to the committee and provided a handout.

MOTION: Rep. Ward moved to replace 3rd Substitute S.B. 89 with 4th Substitute S.B. 89, Medical Cannabidiol Amendments.

SUBSTITUTE

MOTION: Rep. Spendlove moved to replace 3rd Substitute S.B. 89 with 5th Substitute S.B. 89, Cannabis-Based Medicine Amendments. The motion passed with Rep.

Barlow, Rep. Brown, Rep. Kennedy, Rep. Ray, and Rep. Thurston voting in opposition. Rep. Hollins was absent for the vote.

MOTION: Rep. Kennedy moved to amend the bill as follows:

1. *Page 4, Line 118 through Page 5, Line 119:*

118 26-58-207, Utah Code Annotated 1953

26-58-208, Utah Code Annotated 1953

119 26-58-301, Utah Code Annotated 1953

2. *Page 20, Line 585:*

585 (c) cultivation techniques.

(7) A cannabis cultivation facility may sell cannabis to a person conducting an approved study under Section 26-58-208.

3. *Page 41, Line 1240:*

1240 (b) standards for an acceptable medical research study under Subsection (1)(a).

Section 47. Section 26-58-208 is enacted to read:

26-58-208. Institutional review board -- Approved study of cannabis or cannabis-based medicine.

(1) As used in this section:

(a) "Institutional review board" or "IRB" means an institutional review board that is approved for human subject research by the United States Department of Health and Human Services.

(b) "Approved study" means a medical research study:

(i) the purpose of which is investigating the medical benefits of cannabis-based medicine; and

(ii) that is approved by an IRB.

(2) A person conducting an approved study, may, for the purposes of the study:

(a) purchase cannabis from a licensed cannabis cultivation facility in the state;

(b) purchase cannabis-based medicine from a licensed CBM dispensary in the state; and

(c) administer a product containing cannabis or cannabis-based medicine to an individual in accordance with the approved study.

(3) A person conducting an approved study may import cannabis or

cannabis-based medicine from another state if:

(a) the importation complies with federal law; and

(b) the person uses the cannabis or cannabis-based medicine in accordance with the approved study.

(4) A person conducting an approved study may distribute cannabis or cannabis-based medicine that the person obtained from a licensed cannabis cultivation facility in the state or licensed CBM dispensary in the state if:

(a) the distribution complies with federal law; and

(b) the distribution is for the purposes of, and in accordance with, the approved study.

(5) The department shall issue an authorization to a person conducting an approved study to allow the person to purchase cannabis from a licensed cannabis cultivation facility in the state or cannabis-based medicine from a licensed CBM dispensary in the state.

RENUMBER REMAINING SECTIONS ACCORDINGLY

4. Page 62, Lines 1887 through 1888:

1887 (2) A CBM dispensary may only sell cannabis-based medicine to :

(a) an individual with a

1888 medical cannabis card issued by the department { } ; or

(b) a person conducting an approved study under Section 26-58-208.

The motion passed with Rep. Hollins absent for the vote.

MOTION: Rep. Ward moved to further amend the bill as follows:

1. Page 31, Lines 926 through 938:

926 {(6) "Expanded CBM" means the same as that term is defined in Section 58-37-3.6.}

927 {(7)} (6) "Inventory control system" means the system described in Section 4-42-103.

928 {(8)} (7) "Medical cannabis card" means a card that is issued to an individual by the

929 Department of Health under Section 26-58-201.

930 ~~{(9)}~~ (8) "Medical Cannabis Restricted Account" means the account
 created in Section
931 26-58-105.
932 ~~{(10)}~~ (9) "Physician" means an individual who:
933 (a) is licensed to practice:
934 (i) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or
935 (ii) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical
936 Practice Act; and
937 (b) complies with Section 58-67-807 or 58-68-807.
938 ~~{(11)}~~ (10) "Qualifying illness" means a condition described in Subsection
 58-38a-203.1(1).

2. *Page 34, Lines 1020 through 1022:*

1020 (i) ~~{(A)}~~ suffers from a qualifying illness, including the type of qualifying
 illness; and
1021 ~~{(B)}~~ (ii) may benefit from treatment with cannabis-based medicine;
 ~~{or}~~
1022 ~~{(ii) qualifies for expanded CBM under Section 26-58-205;}~~

3. *Page 37, Line 1130 through Page 40, Line 1210:*

1130 26-58-205. ~~{Expanded CBM access--}~~ Physician training --- Cannabis-based
1131 medicine ~~{-specialist}~~ .

(1) The Division of Occupational and Professional Licensing, in coordination
 with the department, shall develop and require, by rule made in accordance with
 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, training for a physician

in cannabis-based medicine.

(2) The Division of Occupational and Professional Licensing shall issue a
 certification to a physician that completes the training described in Subsection (1).

1132 ~~{(1) As used in this section:~~

1133 ~~—(a) "Cannabis-based medicine specialist" means a physician with a~~
 cannabis-based

1134 medicine specialist certification issued by the division under Subsection (7):

1135 ~~—(b) "Division" means the Division of Occupational and Professional Licensing~~
 within

1136 ~~the Department of Commerce;~~
1137 ~~— (c) "Group 1 physician" means a physician who may recommend expanded~~
1138 ~~CBM to a~~
1138 ~~patient under Subsection (4):~~
1139 ~~— (d) "Group 2 physician" means a physician who may recommend expanded~~
1140 ~~CBM to a~~
1140 ~~patient under Subsection (5):~~
1141 ~~— (2) An individual with a medical cannabis card may not purchase expanded~~
1142 ~~CBM at a~~
1142 ~~CBM dispensary unless the individual's physician recommends expanded CBM to~~
1143 ~~the~~
1143 ~~individual in compliance with this section:~~
1144 ~~— (3) A physician may not recommend expanded CBM to an individual except in~~
1145 ~~compliance with this section:~~
1146 ~~— (4) In addition to the requirements of this chapter, a physician with a group 1~~
1147 ~~certification from the division may recommend expanded CBM to a patient if:~~
1148 ~~— (a) (i) the physician is board certified in hematology or oncology; and~~
1149 ~~— (ii) the patient is being actively treated for a diagnosed malignancy or is being~~
1150 ~~provided~~
1150 ~~palliative care for an incurable malignancy;~~
1151 ~~— (b) (i) the physician is a hospice director who, after a face-to-face evaluation~~
1152 ~~with the~~
1152 ~~patient, determines that the patient has six months or less to live; and~~
1153 ~~— (ii) the patient is being actively treated by a licensed hospice care provider;~~
1154 ~~— (c) (i) the physician is an infectious disease specialist; and~~
1155 ~~— (ii) the patient is diagnosed with HIV- or AIDS-associated anorexia and~~
1156 ~~wasting~~
1156 ~~syndrome; or~~
1157 ~~— (d) (i) the physician is a state-certified cannabis-based medicine specialist who~~
1158 ~~is~~
1158 ~~board-certified in pain management, internal medicine, or pediatrics; and~~
1159 ~~— (ii) the patient is has an incurable, catastrophic, or rare condition:~~
1160 ~~— (5) In addition to the requirements of this chapter, a physician with a group 2~~
1161 ~~certification from the division may recommend expanded CBM to a patient if:~~

- 1162 — ~~(a) (i) the physician is board certified in neurology; and~~
1163 — ~~(ii) the patient is diagnosed with multiple sclerosis, epilepsy, ALS, or peripheral~~
1164 ~~neuropathy;~~
1165 — ~~(b) (i) the physician is board certified in infectious disease; and~~
1166 — ~~(ii) the patient is diagnosed with HIV- or AIDS-peripheral neuropathy;~~
1167 — ~~(c) (i) the physician is a board certified pain specialist; and~~
1168 — ~~(ii) the patient is diagnosed with chronic pain, failed back syndrome, or~~
1169 ~~neuropathic~~
1170 ~~pain; or~~
1170 — ~~(d) (i) the physician is board certified in gastroenterology; and~~
1171 — ~~(ii) the patient is diagnosed with intractable nausea.~~
1172 — ~~(6) The division shall issue, to a physician who completes training in~~
1173 ~~cannabis-based~~
1174 ~~medicine developed by the division in coordination with the department and~~
1175 ~~required by the~~
1176 ~~division by rule made in accordance with Title 63G Chapter 3, Utah Administrative~~
1177 ~~Rulemaking Act:~~
1176 — ~~(a) a group 1 certification; or~~
1177 — ~~(b) a group 2 certification.~~
1178 — ~~(7) (a) The division shall issue a cannabis-based medicine specialist certification~~
1179 ~~to a~~
1180 ~~physician who completes training in cannabis-based medicine developed by the~~
1181 ~~division in~~
1182 ~~coordination with the department and required by the division by rule made in~~
1183 ~~accordance with~~
1184 ~~Title 63G Chapter 3, Utah Administrative Rulemaking Act; and~~
1185 — ~~(b) The division shall issue a cannabis-based medicine specialist certification to~~
1186 ~~no~~
1187 ~~more than the greater of:~~
1188 — ~~(i) one physician per 200,000 people in the state; or~~
1189 — ~~(ii) two physicians in each health district as determined by the division.~~
1190 — ~~(8) A group 1 physician may recommend expanded CBM to a patient if the~~
1191 ~~patient:~~
1192 — ~~(a) was referred to the group 1 physician by the patient's primary care~~

physician; and
1188 — (b) has a condition the treatment of which the group 1 physician specializes in;
1189 — (9) A group 1 physician may recommend that a patient use expanded CBM
with a
1190 vaporizer;
1191 — (10) A cannabis-based medicine specialist may recommend expanded CBM to;
and the
1192 department may issue a medical cannabis card to, a patient who is less than 18 years
old if:
1193 — (a) the cannabis-based medicine specialist is board certified in pediatrics; and
1194 — (b) the patient has an incurable, catastrophic, or rare condition;
1195 — (11) A group 2 physician may recommend expanded CBM to a patient if:
1196 — (a) the patient was referred to the group 2 physician by the patient's primary
care
1197 physician; and
1198 — (b) the group 2 physician recommends expanded CBM that is at least 50%
cannabidiol
1199 by weight;
1200 — (12) If a physician recommends treatment with expanded CBM to a patient
under this
1201 section:
1202 — (a) the physician shall submit the recommendation to the department via the
electronic
1203 verification system; and
1204 — (b) the department shall:
1205 — (i) designate, via the electronic verification system, that the patient is eligible to
1206 purchase expanded CBM; and
1207 — (ii) issue the patient a unique type of medical cannabis card that:
1208 — (A) indicates that the patient is eligible to purchase expanded CBM; and
1209 — (B) is physically distinguishable from a medical cannabis card used by a
patient who is
1210 not eligible for expanded CBM; }

1356 (1) As used in this section:
1357 (a) "Cannabis-based medicine" means ~~{low-THC CBM or expanded CBM;~~
1358 ~~(b) "Expanded CBM" means}~~ a product intended for human ingestion that ~~:~~
1359 (i) contains an extract or concentrate that is obtained from cannabis; ~~{and}~~
1360 (ii) is prepared in a medicinal dosage form as required by Section
4-42-602 ~~{-}~~ ~~;~~ ~~and~~
~~(iii) contains at least one gram of cannabidiol for every one gram of~~
~~tetrahydrocannabinol.~~
1361 ~~{(c) "Low-THC cannabis-based medicine" or "Low-THC CBM" means a~~
~~product~~
1362 ~~intended for human ingestion that:~~
1363 ~~(i) contains an extract or concentrate that:~~
1364 ~~(A) is obtained from cannabis; and~~
1365 ~~(B) contains at least 10 grams of cannabidiol per one gram of~~
~~tetrahydrocannabinol.~~
1366 ~~(ii) is composed of less than 5% tetrahydrocannabinol by weight;~~
1367 ~~(iii) is composed of at least 5% of cannabidiol by weight; and~~
1368 ~~(iv) is prepared in a medicinal dosage form as required by Section 4-42-602.~~
1369 ~~{(d)}~~ ~~(b)~~ "Cannabis" means any part of the plant cannabis sativa, whether
growing or not.
1370 ~~{(e)}~~ ~~(c)~~ "Drug paraphernalia" means the same as that term is defined in
Section 58-37a-3.
1371 ~~{(f)}~~ ~~(d)~~ "Tetrahydrocannabinol" means a substance derived from
cannabis-based medicine
1372 that meets the description in Subsection 58-37-4(2)(a)(iii)(AA).

5. *Page 50, Lines 1528 through 1529:*

1528 (4) The committee's duties under this chapter do not include tobacco products as
1529 defined in Section 59-14-102 or alcoholic beverages as defined in Section 32B-1-102.

(5)(a) The committee shall evaluate a petition from a physician under Section 58-67-807 or 58-68-807 to increase the physician's cannabis-based medicine patient dispensing limit to up to 250 patients at any given time.

(b) The committee shall approve a physician petition under Subsection (5)(a) if the physician demonstrates, to the satisfaction of committee, that:

- (i) the physician's practice has unique characteristics that warrant allowing the physician to recommend cannabis to up to 250 of the physician's patients; and
- (ii) the physician has established experience in cannabis-based medicine.
- (c) If the committee approves a physician petition under Subsection (5)(a), the committee shall notify the Division of Occupational and Professional Licensing of the committee's approval.

6. Page 51, Lines 1566 through 1569:

- 1566 (2) A physician who recommends cannabis-based medicine shall:
- 1567 (a) except as provided in Subsection (6), recommend cannabis-based medicine
to no more than {~~an amount of patients~~
1568 ~~determined by the Department of Health by rule made in accordance with Title~~
~~63G, Chapter 3,~~
1569 ~~Utah Administrative Rulemaking Act~~} 100 patients at any given time ;

7. Page 52, Line 1590:

- 1590 (c) licensure sanctions under this chapter.
- (6)(a) A physician may file a request with the Controlled Substances Advisory Committee created in Section 58-38a-201 to increase the physician's cannabis-based medicine patient dispensing limit.
- (b) If the Controlled Substance Advisory and the division approve a physician petition, the physician may dispense cannabis-based medicine to a number of patients determined by the Controlled Substance Advisory Committee that is no more than 250.

8. Page 52, Lines 1600 through 1603:

- 1600 (2) A physician who recommends cannabis-based medicine shall:
- 1601 (a) except as provided in Subsection (6), recommend cannabis-based medicine
to no more than {~~an amount of patients~~
1602 ~~determined by the Department of Health by rule made in accordance with Title~~
~~63G, Chapter 3,~~
1603 ~~Utah Administrative Rulemaking Act~~} 100 patients at any given time ;

9. Page 53, Line 1624:

1624 (c) licensure sanctions under this chapter.

(6)(a) A physician may file a request with the Controlled Substances Advisory Committee created in Section 58-38a-201 to increase the physician's cannabis-based medicine patient dispensing limit.

(b) If the Controlled Substance Advisory and the division approve a physician petition, the physician may dispense cannabis-based medicine to a number of patients determined by the Controlled Substance Advisory Committee that is no more than 250.

The motion failed with Rep. Chavez-Houck and Rep. Ward voting in favor. Rep. Hollins was absent for the vote.

MOTION: Rep. Ward moved to amend the bill as follows:

1. *Page 6, Line 153:*

153 59-28-108, Utah Code Annotated 1953

63I-1-204, Utah Code Annotated 1953

2. *Page 69, Line 2112:*

2112 appropriate and necessary.

= **Section 85. Section 63I-1-204 is enacted to read:**

63I-1-204. Repeal dates, Title 4.

Section 4-42-205 is repealed July 1, 2019. =

RENUMBER REMAINING SECTIONS ACCORDINGLY

3. *Page 69, Line 2133:*

2133 [(++)] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

= **(13) Section 58-86-205 is repealed July 1, 2019.**

Following discussion of the motion, Rep. Ward withdrew his motion.

Spoke for the bill: Jim Ehleringer
Linda Nelson

Spoke against the bill: George Chapman
Dr. LeGrand Belnap
Lissa Lander
Dr. William Hamilton, President, Utah Medical Association

MOTION: Rep. Spendlove moved to pass 5th Substitute S.B. 89 out favorably. The motion passed with Rep. Barlow, Rep. Brown, Rep. Kennedy, Rep. Ray, and Rep. Thurston voting in opposition.

2nd Substitute S.B. 73 Medical Cannabis Act (Sen. M. Madsen) (Rep. G. Froerer)

Sen. Madsen explained the bill to the committee.

Rep. Ward moved to replace 2nd Substitute S.B. 73 with 3rd Substitute S.B. 73, Medical Cannabis Act. The motion passed unanimously.

MOTION: Rep. Chavez-Houck moved to amend the bill as follows:

1. *Page 9, Line 272 through Page 10, Line 274:*

272 (c) proposes to operate the independent cannabis testing laboratory at the same
physical
273 location as a cannabis dispensary, a cannabis processing facility, or a cannabis cultivation
(7) The department may refuse to issue a cannabis production
establishment license to a cannabis production establishment that has a cannabis
production establishment agent to whom the department refused to issue an agent
registration card due to the results of a background check under Subsection
4-42-301(8).
274 facility.

2. *Page 38, Lines 1164 through 1165:*

1164 (6) The department shall deposit the proceeds of a fee imposed by this section in the
1165 Medical Cannabis Restricted Account.
(7) The department may refuse to issue a cannabis dispensary license to a
cannabis dispensary that has a cannabis dispensary agent to whom the department
refused to issue an agent registration card due to the results of a background check
under Subsection 26-58-401(6).

The motion passed unanimously.

MOTION: Rep. Ward moved to further amend the bill as follows:

1. *Page 7, Line 210:*

210 time, from the point that a cannabis plant is **planted as a seed or, if derived from a**
clone or cutting, is eight inches tall {~~.~~} and has a root ball, until the

2. *Page 23, Line 681:*

681 (1) "Cannabinoid profile" means the percentage of {~~cannabis or~~} a cannabis
product, by

The motion passed unanimously.

MOTION: Rep. Chavez-Houck moved to further amend the bill as follows:

1. *Page 17, Lines 500 through 502:*

500 4-42-501. Cannabis cultivation facility -- Operating requirements.

501 (1) A cannabis cultivation facility shall ∴

(a) cultivate cannabis indoors; and

(b) ensure that any cannabis growing at the

502 cannabis cultivation facility is screened from view at the cannabis cultivation facility
perimeter.

The motion passed with Rep. Kennedy and Rep. Ray voting in opposition. Rep. Hall and Rep. Thurston were absent for the vote.

MOTION: Rep. Kennedy moved to further amend the bill as follows:

1. *Page 4, Lines 116 through 117:*

116 26-58-204, Utah Code Annotated 1953

26-58-205, Utah Code Annotated 1953

117 26-58-301, Utah Code Annotated 1953

2. *Page 17, Line 515:*

515 pesticide use.

(6) A cannabis cultivation facility may sell cannabis to a person conducting an approved study under Section 26-58-205.

3. *Page 37, Lines 1131 through 1132:*

1131 (6) An individual who is guilty of an infraction under Subsection (4) or (5) is
subject to
1132 a \$100 fine.

Section 33. Section 26-58-205 is enacted to read:

26-58-205. Institutional review board -- Approved study of cannabidiol.

(1) As used in this section:

(a) "Institutional review board" or "IRB" means an institutional review board that is approved for human subject research by the United States Department of Health and Human Services.

(b) "Approved study" means a medical research study:

(i) the purpose of which is investigating the medical benefits of cannabidiol; and

(ii) that is approved by an IRB.

(2) A person conducting an approved study, may, for the purposes of the study:

(a) purchase cannabis from a licensed cannabis cultivation facility in the state;

(b) purchase a cannabis product from a licensed cannabis dispensary in the state; and

(c) administer a product containing cannabis or a cannabis product to an individual in accordance with the approved study.

(3) A person conducting an approved study may import cannabis or a cannabis product from another state if:

(a) the importation complies with federal law; and

(b) the person uses the cannabis or cannabis product in accordance with the approved study.

(4) A person conducting an approved study may distribute cannabis or a cannabis product that the person obtained from a licensed cannabis cultivation facility in the state or licensed cannabis dispensary in the state if:

(a) the distribution complies with federal law; and

(b) the distribution is for the purposes of, and in accordance with, the approved study.

(5) The department shall issue an authorization to a person conducting an approved study to allow the person to purchase cannabis from a licensed cannabis cultivation facility in the state or a cannabis product from a licensed cannabis dispensary in the state.

RENUMBER REMAINING SECTIONS ACCORDINGLY

4. *Page 44, Lines 1352 through 1353:*

1352 (2) A cannabis dispensary may only sell a cannabis product or a medical cannabis
1353 device to :
 (a) an individual with a medical cannabis card issued by the
department {.:} ;or
 (b) a person conducting an approved study under Section 26-58-205.

The motion passed unanimously.

MOTION: Rep. Chavez-Houck moved to further amend the bill as follows:

1. *Page 30, Lines 909 through 921:*

909 (c) The endorsement described in Subsection (3)(b) entitles a physician to use a
910 medical cannabis endorsement image developed by the department on the physician's
website.
911 (4) A physician may recommend cannabis to greater than {20%} 250 of
the physician's
912 patients if the physician:
913 (a) is certified in one of the following specialties:
914 (i) anesthesiology;
915 (ii) gastroenterology;
916 (iii) neurology;
917 (iv) oncology;
918 (v) pain and palliative care;
919 (vi) psychiatry;
920 (vii) psychiatry; or
921 (viii) addiction medicine;

The motion passed unanimously.

Spoke for the bill: Lissa Lander
 Dr. LeGrande Belnap
 Lindsay Sledge
 Bill Revene
 Melissa Graham

Spoke against the bill: Jennifer Dailey, Executive Director, Utah Academy of Family
 Physicians
 Gayle Ruzika, Utah Eagle Forum
 Pat Bird , Utah County Department of Drug and Alcohol

MOTION: Rep. Ray moved to table 3rd Substitute S.B. 73.

SUBSTITUTE

MOTION: Rep. Chavez-Houck moved to pass 3rd Substitute S.B. 73 out favorably. The motion failed with Rep. Chavez-Houck, Rep. Hall, Rep. Hollins, and Rep. Ward voting in favor and Rep. Barlow, Rep. Brown, Rep. Kennedy, Rep. Ray, Rep. Redd, Rep. Thurston, Rep. Spendlove, and Chair McIff voting in opposition.

SUBSTITUTE

MOTION: Rep. Hollins moved to adjourn the meeting. The motion passed unanimously. Chair McIff adjourned the meeting at 1:10 p.m.

Kay McIff, Chair