

1st Sub. S.B. 73
MEDICAL CANNABIS ACT

Senator **Mark B. Madsen** proposes the following amendments:

1. *Page 2, Line 51 through Page 3, Line 61:*

51 content and safety;

52 { ~~preempts an ordinance enacted by a political subdivision regarding a medical~~
53 ~~cannabis establishment;~~ }

54 { ~~provides that a licensed cannabis dispensary or licensed cannabis production~~
55 ~~establishment may operate in a political subdivision as:~~

56 ~~—————•————— a permitted use in an industrial, manufacturing, agriculture, or similar zone; and~~

57 ~~—————•————— as a conditional use in a commercial or similar zone;~~

58 ~~∴————— provides that a licensed cannabis production establishment may operate in a~~
59 ~~political subdivision:~~

60 ~~—————•————— as a permitted use in an industrial, manufacturing, agriculture, or similar zone; }~~

61 ▶ allows an individual driving with a measurable metabolite of cannabis to assert, as

2. *Page 4, Lines 89 through 92:*

89 AMENDS:

90 { ~~10-9a-104, as last amended by Laws of Utah 2013, Chapter 309~~ }

91 { ~~17-27a-104, as last amended by Laws of Utah 2013, Chapter 309~~ }

92 30-3-10, as last amended by Laws of Utah 2014, Chapter 409

3. *Page 4, Lines 102 through 104:*

102 4-42-103, Utah Code Annotated 1953

103 { ~~4-42-104, Utah Code Annotated 1953~~ }

104 4-42-201, Utah Code Annotated 1953

4. *Page 4, Lines 113 through 115:*

113 4-42-404, Utah Code Annotated 1953

114 { ~~4-42-405, Utah Code Annotated 1953~~ }

115 4-42-501, Utah Code Annotated 1953

5. *Page 5, Lines 123 through 125:*

123 26-58-102, Utah Code Annotated 1953

124 {~~26-58-103, Utah Code Annotated 1953~~}
125 26-58-104, Utah Code Annotated 1953

6. Page 5, Lines 147 through 149:

147 26-58-505, Utah Code Annotated 1953
148 {~~26-58-506, Utah Code Annotated 1953~~}
149 26-58-601, Utah Code Annotated 1953

7. Page 9, Lines 249 through 252:

249 {~~Section 4. Section 4-42-104 is enacted to read:~~
250 ~~4-42-104. Preemption.~~
251 ~~This chapter preempts any ordinance enacted by a political subdivision of the state~~
252 ~~regarding a cannabis production establishment.~~}

RENUMBER REMAINING SECTIONS ACCORDINGLY

8. Page 17, Line 517 through Page 18, Line 525:

517 {~~Section 15. Section 4-42-405 is enacted to read:~~
518 ~~4-42-405. Zoning.~~
519 ~~(1) A municipality or local government may not enact a zoning ordinance that prohibits~~
520 ~~a cannabis production establishment from operating in a location within the municipality's or~~
521 ~~local government's jurisdiction, on the sole basis that the cannabis production establishment is~~
522 ~~a cannabis production establishment.~~
523 ~~(2) A municipality or local government shall allow a cannabis production~~
524 ~~establishment to operate as a permitted use in an agricultural, an industrial, or a manufacturing~~
525 ~~zone, or in a zone that allows for similar uses.~~}

RENUMBER REMAINING SECTIONS ACCORDINGLY

9. Page 23, Lines 682 through 690:

682 10-9a-104. Stricter requirements.
683 (1) Except as provided in Subsection (2), a municipality may enact an ordinance
684 imposing stricter requirements or higher standards than are required by this chapter.
685 (2) A municipality may not impose stricter requirements or higher standards than are
686 required by:
687 {~~(a) Section 4-42-405;~~
688 {+} (a) {+} {-(b)} Section 10-9a-305; {+} and {+}
689 {+} (b) {+} {-(c)} Section 10-9a-514 {+} . {+} {~~; and~~}
690 {~~(d) Section 26-58-506.~~}

10. Page 23, Lines 692 through 700:

692 17-27a-104. Stricter requirements.

693 (1) Except as provided in Subsection (2), a county may enact an ordinance imposing
694 stricter requirements or higher standards than are required by this chapter.

695 (2) A county may not impose stricter requirements or higher standards than are
696 required by:

697 ~~{(a) Section 4-42-405;}~~

698 {+} (a) {+} ~~{(b)}~~ Section 17-27a-305; {+} and {+}

699 {+} (b) {+} ~~{(c)}~~ Section 17-27a-513 {+} . {+} ~~{; and}~~

700 ~~{(d) Section 26-58-506.}~~

11. Page 25, Lines 757 through 760:

757 ~~{Section 27. Section 26-58-103 is enacted to read:~~

758 ~~26-58-103. Preemption:~~

759 ~~This chapter preempts any ordinance enacted by a political subdivision of the state that~~
760 ~~regulates a cannabis dispensary.}~~

RENUMBER REMAINING SECTIONS ACCORDINGLY

12. Page 47, Line 1443 through Page 48, Line 1452:

1443 ~~{26-58-506. Zoning:~~

1444 ~~(1) A municipality or local government may not enact a zoning ordinance that prohibits~~
1445 ~~a cannabis dispensary from operating in a location within the municipality's or local~~
1446 ~~government's jurisdiction, on the sole basis that the cannabis dispensary is a cannabis~~
1447 ~~dispensary:~~

1448 ~~(2) A municipality or local government shall allow a cannabis dispensary to operate as:~~

1449 ~~(a) a permitted use in an agricultural, industrial, or manufacturing zone, or in a zone~~
1450 ~~that allows for a similar use; and~~

1451 ~~(b) as a conditional use in a commercial zone or in a zone that allows for a similar use.~~

§452 Section 52. Section 26-58-601 is enacted to read:

RENUMBER REMAINING SECTIONS ACCORDINGLY