

Representative Brad M. Daw proposes the following substitute bill:

CANNABINOID RESEARCH

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill enacts provisions related to research of cannabis and cannabinoid product.

Highlighted Provisions:

This bill:

- ▶ allows a person to possess cannabis, a cannabinoid product, and an expanded cannabinoid product and to distribute the cannabis, a cannabinoid product, or an expanded cannabinoid product to a patient pursuant to an institutional review board-approved study; and

- ▶ allows a person conducting an institutional review board-approved study to import and distribute cannabis, a cannabinoid product, and an expanded cannabinoid product under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

26-59-101, Utah Code Annotated 1953



26 [26-59-102](#), Utah Code Annotated 1953

27 [26-59-103](#), Utah Code Annotated 1953

28 [58-37-3.6](#), Utah Code Annotated 1953

29

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

31 Section 1. Section [26-59-101](#) is enacted to read:

32 **CHAPTER 59. CANNABINOID RESEARCH ACT**

33 **26-59-101. Title.**

34 This chapter is known as "Cannabinoid Research Act."

35 Section 2. Section [26-59-102](#) is enacted to read:

36 **26-59-102. Definitions.**

37 As used in this chapter:

38 (1) "Approved study" means a medical research study:

39 (a) the purpose of which is to investigate the medical benefits of cannabinoid medicine;

40 and

41 (b) that is approved by an IRB.

42 (2) "Cannabinoid product" means the same as that term is defined in Section [58-37-3.6](#).

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

44 (4) "Expanded Cannabinoid product" means the same as that term is defined in Section
45 [58-37-36](#).

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

49 Section 3. Section [26-59-103](#) is enacted to read:

50 **26-59-103. Institutional review board -- Approved study, cannabis, cannabinoid**
51 **product, or expanded cannabinoid product.**

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

53 (a) process a cannabinoid product or an expanded cannabinoid product;

54 (b) possess a cannabinoid product or an expanded cannabinoid product; and

55 (c) administer a cannabinoid product, or an expanded cannabinoid product to an
56 individual in accordance with the approved study.

57 (2) A person conducting an approved study may:

58 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
59 another state if:

60 (i) the importation complies with federal law; and

61 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid
62 product in accordance with the approved study; or

63 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from
64 the National Institute on Drug Abuse.

65 (3) A person conducting an approved study may distribute, outside the state, cannabis,
66 a cannabinoid product, or an expanded cannabinoid product if:

67 (a) the distribution complies with federal law; and

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

69 Section 4. Section **58-37-3.6** is enacted to read:

70 **58-37-3.6. Exemption for possession or distribution of a cannabinoid product**
71 **pursuant to an approved study.**

72 (1) As used in this section:

73 (a) "Cannabinoid product" means a product intended for human ingestion that:

74 (i) contains an extract or concentrate that is obtained from cannabis;

75 (ii) is prepared in a medicinal dosage form; and

76 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

77 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

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

79 (d) "Expanded cannabinoid product" means a product intended for human ingestion

80 that:

81 (i) contains an extract or concentrate that is obtained from cannabis;

82 (ii) is prepared in a medicinal dosage form; and

83 (iii) contains less than 10 units of cannabidiol for every one unit of
84 tetrahydrocannabinol.

85 (e) "Medicinal dosage form" means:

86 (i) a tablet;

87 (ii) a capsule;

- 88 (iii) a concentrated oil;
- 89 (iv) a liquid suspension;
- 90 (v) a transdermal preparation; or
- 91 (vi) a sublingual preparation.

92 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
93 description in Subsection 58-37-4(2)(a)(iii)(AA).

94 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
95 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the
96 penalties described in this title for the possession or distribution of marijuana or
97 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
98 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 59,
99 Cannabinoid Research Act.

100 Section 5. **Effective date.**

101 If approved by two-thirds of all the members elected to each house, this bill takes effect
102 upon approval by the governor, or the day following the constitutional time limit of Utah
103 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
104 the date of veto override.