

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

**CANNABINOID RESEARCH**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad M. Daw**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

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

**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;
- ▶ 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; and
- ▶ creates the Cannabinoid Product Board within the Department of Health.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:



- 26 [26-59-101](#), Utah Code Annotated 1953
- 27 [26-59-102](#), Utah Code Annotated 1953
- 28 [26-59-103](#), Utah Code Annotated 1953
- 29 [26-59-201](#), Utah Code Annotated 1953
- 30 [26-59-202](#), Utah Code Annotated 1953
- 31 [58-37-3.6](#), Utah Code Annotated 1953

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

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

35 **CHAPTER 59. CANNABINOID RESEARCH ACT**

36 **26-59-101. Title.**

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

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

39 **26-59-102. Definitions.**

40 As used in this chapter:

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

42 (a) the purpose of which is to investigate the medical benefits and risks of a  
43 cannabinoid product or expanded cannabinoid product; and

44 (b) that is approved by an IRB.

45 (2) "Board" means the Cannabinoid Product Board created in Section [26-59-201](#).

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

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

48 (5) "Expanded cannabinoid product" means the same as that term is defined in Section  
49 [58-37-36](#).

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

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

54 **26-59-103. Institutional review board -- Approved study, cannabis, cannabinoid**  
55 **product, or expanded cannabinoid product.**

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

57 (a) process cannabis, a cannabinoid product, or an expanded cannabinoid product;  
58 (b) possess cannabis, a cannabinoid product, or an expanded cannabinoid product; and  
59 (c) administer a cannabinoid product, or an expanded cannabinoid product to an  
60 individual in accordance with the approved study.

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

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

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

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

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

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

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

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

73 Section 4. Section **26-59-201** is enacted to read:

74 **26-59-201. Cannabinoid Product Board.**

75 (1) There is created the Cannabinoid Product Board within the department.

76 (2) The department shall appoint, in consultation with a professional association based  
77 in the state that represents physicians, seven members to the Cannabinoid Product Board as  
78 follows:

79 (a) three individuals who are medical research professionals; and

80 (b) four physicians.

81 (3) The department shall appoint board members under Subsection (2) such that three  
82 of the board members are members of the Controlled Substances Advisory Committee created  
83 in Section [58-38a-201](#).

84 (4) (a) Four of the board members appointed under Subsection (2) shall serve an initial  
85 term of two years and three of the board members appointed under Subsection (2) shall serve  
86 an initial term of four years.

87 (b) Successor board members shall each serve a term of four years.

88 (5) The department may remove a board member without cause.

89 (6) The board shall nominate a board member to serve as chairperson of the board by a  
90 majority vote of the board members.

91 (7) The board shall meet as often as necessary to accomplish the duties assigned to the  
92 board under this chapter.

93 (8) Each board member, including the chair, has one vote.

94 (9) (a) A majority of board members constitutes a quorum.

95 (b) A vote of a majority of the quorum at any board meeting is necessary to take action  
96 on behalf of the board.

97 (10) A board member may not receive compensation for the member's service on the  
98 board, but may, in accordance with rules adopted by the board in accordance with Title 63G,  
99 Chapter 3, Utah Administrative Rulemaking Act, receive:

100 (a) per diem at the rate established under Section [63A-3-106](#); and

101 (b) travel expenses at the rate established under Section [63A-3-107](#).

102 Section 5. Section **26-59-202** is enacted to read:

103 **26-59-202. Cannabinoid Product Board -- Duties.**

104 (1) The board shall review any available research related to the human use of a  
105 cannabinoid product or expanded cannabinoid product that:

106 (a) was conducted under an approved study; or

107 (b) was conducted or approved by the federal government.

108 (2) In addition to research that the board reviews under Subsection (1), a person may  
109 submit research to the board for review if:

110 (a) the research is conducted in the state under an approved study;

111 (b) the research is not yet publicly available; and

112 (c) the person that submits the research pays the department a fee in an amount  
113 determined by the department in accordance with Section [63J-1-504](#), that covers the  
114 department's costs to implement this chapter.

115 (3) Based on the research that the board reviews under Subsection (1) or (2), the board  
116 shall evaluate the safety and efficacy of cannabinoid products or expanded cannabinoid  
117 products, including:

118 (a) medical conditions that respond to cannabinoid products or expanded cannabinoid

119 products;

120 (b) cannabinoid product or expanded cannabinoid product dosage amounts and medical  
121 dosage forms; and

122 (c) interaction of cannabinoid products or expanded cannabinoid products with other  
123 treatments.

124 (4) Based on the board's evaluation under Subsection (3), the board shall develop  
125 guidelines for a physician recommending treatment with a cannabinoid product or expanded  
126 cannabinoid product that includes a list of medical conditions, if any, that the board determines  
127 are appropriate for treatment with a cannabinoid product or expanded cannabinoid product.

128 (5) The board shall submit the guidelines described in Subsection (4) to:

129 (a) the director of the Division of Occupational and Professional Licensing; and

130 (b) the Health and Human Services Interim Committee.

131 (6) The board shall report the board's findings before November 1 of each year to the  
132 Health and Human Services Interim Committee.

133 Section 6. Section **58-37-3.6** is enacted to read:

134 **58-37-3.6. Exemption for possession or distribution of a cannabinoid product**  
135 **pursuant to an approved study.**

136 (1) As used in this section:

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

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

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

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

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

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

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

144 that:

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

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

147 (iii) contains less than 10 units of cannabidiol for every one unit of

148 tetrahydrocannabinol.

149 (e) "Medicinal dosage form" means:

- 150 (i) a tablet;
- 151 (ii) a capsule;
- 152 (iii) a concentrated oil;
- 153 (iv) a liquid suspension;
- 154 (v) a transdermal preparation; or
- 155 (vi) a sublingual preparation.
- 156 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
- 157 description in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

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

164 **Section 7. Effective date.**

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