Senator Jim Dabakis proposes the following substitute bill:

UTAH MEDICAL CANNABIS ACT
2018 THIRD SPECIAL SESSION
STATE OF UTAH

Chief Sponsor: Gregory H. Hughes
Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:
This bill amends the Medical Cannabis Act to decriminalize cannabis use for medical cannabis cardholders.

Highlighted Provisions:
This bill:
- repeals provisions of the medical cannabis initiative regarding cannabis production and medical cannabis pharmacies;
- provides for decriminalization of cannabis use and possession for medical cannabis cardholders; and
- makes technical and conforming changes.

Money Appropriated in this Bill:
None

Other Special Clauses:
This bill provides a special effective date.

Utah Code Sections Affected:
AMENDS:
10-9a-104, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018
17-27a-104, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018
30-3-10, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018
53-1-106.5, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
58-37-3.7, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
58-37-3.8, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
58-37-3.9, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
62A-4a-202.1, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018
63I-2-226, as last amended by Laws of Utah 2018, Chapters 38 and 281
78A-6-508 (Superseded 07/01/19), as last amended by Laws of Utah 2014, Chapter 409
78A-6-508 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapter 452
RENUMBERS AND AMENDS:

26-61a-101, (Renumbered from 26-60b-101, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-102, (Renumbered from 26-60b-102, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-103, (Renumbered from 26-60b-104, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-104, (Renumbered from 26-60b-109, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-105, (Renumbered from 26-60b-110, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-106, (Renumbered from 26-60b-108, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-201, (Renumbered from 26-60b-103, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-202, (Renumbered from 26-60b-105, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-203, (Renumbered from 26-60b-106, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)
26-61a-204, (Renumbered from 26-60b-107, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

REPEALS:

4-41b-101, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-102, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-103, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-104, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-201, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-202, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-203, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-204, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-301, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-302, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-303, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-401, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-402, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-403, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-404, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-405, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-501, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-502, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-601, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-602, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-603, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
4-41b-701, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 10-9a-104 is amended to read:

10-9a-104. Stricter requirements.

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

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

[(a) Section 4-41b-405;]
[(b) Section 10-9a-305; and]
[(c) Section 10-9a-514[; and].]
[(d) Section 26-60b-506.]

Section 2. Section 17-27a-104 is amended to read:

17-27a-104. Stricter requirements.

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

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

[(a) Section 4-41b-405;]
[(b) Section 17-27a-305; and]
[(c) Section 17-27a-513[; and].]
[(d) Section 26-60b-506.]

Section 3. Section 26-61a-101, which is renumbered from Section 26-60b-101 is renumbered and amended to read:

CHAPTER 61a. MEDICAL CANNABIS ACT


26-61a-101. Title.
This chapter is known as "Medical Cannabis Act."

Section 4. Section 26-61a-102, which is renumbered from Section 26-60b-102 is renumbered and amended to read:

26-61a-102. Definitions.
As used in this chapter:

(1) "Cannabis" means the same as that term is defined in Section 58-37-3.9.

[(2) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41b-102-]

[(3) "Cannabis dispensary" means a person that:]
[(a) acquires or intends to acquire cannabis or a cannabis product from a cannabis production establishment and acquires or intends to acquire a medical cannabis device;]

[(b) possesses cannabis, a cannabis product, or a medical cannabis device; and]

[(c) sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.]

[(4) "Cannabis dispensary agent" means an owner, officer, director, board member, employee, or volunteer of a cannabis dispensary.]

[(5) "Cannabis dispensary agent registration card" means a registration card issued by the department that authorizes an individual to act as a cannabis dispensary agent.]

[(6) "Cannabis processing facility" means the same as that term is defined in Section 4-41b-102.]

[(7)] (2) "Cannabis product" means the same as that term is defined in Section 58-37-3.9.

[(8) "Cannabis production establishment agent" means the same as that term is defined in Section 4-41b-102.]

[(9) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41b-102.]

[(10) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.]

[(11)] (3) "Designated caregiver" means an individual:

(a) whom a patient with a medical cannabis card designates as the patient's caregiver; and

(b) registers with the department under Section [26-60b-202] 26-61a-302.

[(12) "Independent cannabis testing laboratory" means the same as that term is defined in Section 4-41b-102.]

[(13) "Inventory control system" means the system described in Section 4-41b-103.]

[(14)] (4) "Medical cannabis card" means an official card issued by the department to an individual with a qualifying illness, or the individual's designated caregiver under this chapter, that is connected to the electronic verification system.

[(15)] (5) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.9.

[(16)] (6) "Medical Cannabis Restricted Account" means the account created in
Section [26-60b-109] 26-61a-104.

[(17)] (7) "Physician" means an individual who is qualified to recommend cannabis under Section [26-60b-107] 26-61a-204.

[(18)] (8) "Qualifying illness" means a condition described in Section [26-60b-105] 26-61a-202.

[(19)] (9) "State electronic verification system" means the system described in Section [26-60b-103] 26-61a-201.

Section 5. Section 26-61a-103, which is renumbered from Section 26-60b-104 is renumbered and amended to read:

[26-60b-104]. 26-61a-103. Preemption.

This chapter preempts any ordinance or rule enacted by a political subdivision of the state regarding a cannabis dispensary or a medical cannabis card.

Section 6. Section 26-61a-104, which is renumbered from Section 26-60b-109 is renumbered and amended to read:

[26-60b-109]. 26-61a-104. Medical Cannabis Restricted Account --

Creation.

(1) There is created in the General Fund a restricted account known as the "Medical Cannabis Restricted Account."

(2) The account created in this section is funded from:

[(a) money deposited into the account by the Department of Agriculture and Food under Title 4, Chapter 41b, Cannabis Production Establishments;]

[(b) money deposited into the account by the department under this chapter;]

[(c) appropriations made to the account by the Legislature; and]

[(d) the interest described in Subsection (3).]

(3) Interest earned on the account is deposited in the account.

(4) Money in the account may only be used to fund the state medical cannabis program, including Title 26, Chapter 61a, Medical Cannabis Act [and Title 4, Chapter 41b, Cannabis Production Establishments].

Section 7. Section 26-61a-105, which is renumbered from Section 26-60b-110 is renumbered and amended to read:

[26-60b-110]. 26-61a-105. Nondiscrimination for use of cannabis, a
cannabis product, or a medical cannabis device.

(1) For purposes of medical care, including organ and tissue transplants, the use of cannabis by a patient who holds a medical cannabis card in accordance with this chapter is considered the equivalent of the authorized use of any other medication used at the discretion of a physician and does not constitute the use of an illicit substance or otherwise disqualify an individual from needed medical care.

(2) No landlord may refuse to lease to and may not otherwise penalize a person solely for the person's status as a medical cannabis card holder, unless failing to do so would cause the landlord to lose a monetary or licensing-related benefit under federal law.

Section 8. Section 26-61a-106, which is renumbered from Section 26-60b-108 is renumbered and amended to read:

26-61a-106. Standard of care -- Medical practitioners not liable -- No private right of action.

A physician who recommends treatment with cannabis or a cannabis product to an individual in accordance with this chapter may not, based on the recommendation, be subject to civil liability, criminal liability, or licensure sanctions under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

Section 9. Section 26-61a-201, which is renumbered from Section 26-60b-103 is renumbered and amended to read:

Part 2. Cannabis Recommendations

26-61a-201. Electronic verification system.

(1) The Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services shall:

(a) enter into a memorandum of understanding in order to determine the function and operation of an electronic verification system;

(b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah Procurement Code, to develop a request for proposals for a third-party provider to develop and maintain an electronic verification system in coordination with the Department of Technology Services; and

(c) select a third-party provider described in Subsection (1)(b).

(2) The electronic verification system described in Subsection (1) shall:
(a) allow an individual, with the individual's physician in the physician's office, to apply for a medical cannabis card;
(b) allow a physician to electronically recommend, during a visit with a patient, treatment with cannabis or a cannabis product;
(c) connect with an inventory control system used by a cannabis dispensary to track, in real time, and to archive for no more than 60 days, purchase history of cannabis or a cannabis product by a medical cannabis card holder, including the time and date of the purchase, the quantity and type of cannabis or cannabis product purchased, and any cannabis production establishment and cannabis dispensary associated with the cannabis or cannabis product;
(d) provide access to the Department of Health and the Department of Agriculture and Food department to the extent necessary to carry out the Department of Health's and the Department of Agriculture and Food's functions and responsibilities under this chapter and under Title 4, Chapter 41b, Cannabis Production Establishment;
(e) provide access to state or local law enforcement during a traffic stop or after obtaining a warrant, for the purpose of determining if the individual subject to the traffic stop is complying with state medical cannabis law, or after obtaining a warrant;
(f) create a record each time a person accesses the database that identifies the person who accessed the database and the individual whose records are accessed; and
(g) be operational no later than March 1, 2020.
(3) The Department of Health department may release de-identified data collected by the system for the purpose of conducting medical research and for providing the report required by Section 26-60b-602.

Section 10. Section 26-61a-202, which is renumbered from Section 26-60b-105 is renumbered and amended to read:

26-61a-202. Qualifying illness.
(1) For the purposes of this chapter, the following conditions are considered a qualifying illness:
(a) HIV, acquired immune deficiency syndrome or an autoimmune disorder;
(b) Alzheimer's disease;
(c) amyotrophic lateral sclerosis;
(d) cancer, cachexia, or a condition manifest by physical wasting, nausea, or malnutrition associated with chronic disease;
(e) Crohn's disease, ulcerative colitis, or a similar gastrointestinal disorder;
(f) epilepsy or a similar condition that causes debilitating seizures;
(g) multiple sclerosis or a similar condition that causes persistent and debilitating muscle spasms;
(h) post-traumatic stress disorder;
(i) autism;
(j) a rare condition or disease that affects less than 200,000 persons in the United States, as defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and
(k) chronic or debilitating pain [in an individual, if:]
   [(i) a physician determines that the individual is at risk of becoming chemically dependent on, or overdosing on, opiate-based pain medication; or]
   [(ii) a physician determines that the individual is allergic to opiates or is otherwise medically unable to use opiates.]
(2) In addition to the conditions described in Subsection (1), a condition approved under Section [26-60b-106 26-61a-203], in an individual, on a case-by-case basis, is considered a qualifying illness for the purposes of this chapter.

Section 11. Section 26-61a-203, which is renumbered from Section 26-60b-106 is renumbered and amended to read:

[26-60b-106]. 26-61a-203. Compassionate Use Board.
(1) The department shall establish a Compassionate Use Board consisting of:
   (a) five physicians who are knowledgeable about the medicinal use of cannabis and certified by the appropriate board in one of the following specialties: neurology, pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, and gastroenterology; and
   (b) the director of the [Department of Health] department or the director's designee as a non-voting member.
(2) (a) Two of the members of the board first appointed shall serve for a term of three years and two of the members of the board first appointed shall serve for a term of four years.
   [(b) After the first members' terms expire, members]
(2) (a) Members of the board shall serve for a term of four years and shall be eligible for reappointment.

[(c) Any member of the board may serve until a successor is appointed.]

[(d)] (b) The director of the [Department of Health] department or the director's designee shall serve as the chair of the board.

[(3) A quorum of the Compassionate Use Board shall consist of three members.]

[(4) (3) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with Section 63A-3-106, Section 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.]

[(5)] (4) The Compassionate Use Board shall:

(a) review and recommend to the department approval for an individual who is not otherwise qualified to receive a medical cannabis card to obtain a medical cannabis card for compassionate use if:

(i) the individual offers, in the board's discretion, satisfactory evidence that the individual suffers from a condition that substantially impairs the individual's quality of life and is intractable; and

(ii) the board determines it is in the best interest of the patient to allow the compassionate use of medical cannabis;

(b) meet to receive or review compassionate use petitions quarterly, unless no petitions are pending, or as often as necessary if there are more petitions than the board can receive or review during the board's regular schedule; and

(c) complete a review of each petition and recommend approval or denial of the applicant for qualification for a medical cannabis card within 90 days of receipt[; and].

[(d) report, before November 1 of each year, to the Health and Human Services Interim Committee, the number of compassionate use approvals the board issued during the past year and the types of conditions for which the board approved compassionate use.]

[(6) The department shall review any compassionate use approved by the board under this section to determine if the board properly exercised the board's discretion under this section.]

[(7)] (5) If the [department determines] the board [properly approved] approves an
individual for compassionate use under this section, the department shall issue a medical
cannabis card.

[(8)] (6) Any individually identifiable health information contained in a petition
received under this section shall be a protected record in accordance with Title 63G, Chapter 2,
Government Records Access and Management Act.

[(9) The Compassionate Use Board may recommend to the Health and Human Services
Interim Committee:]

[(a) a condition to designate as a qualifying illness under Section 26-60b-105; or]
[(b) a condition to remove as a qualifying illness under Section 26-60b-105-]

Section 12. Section 26-61a-204, which is renumbered from Section 26-60b-107 is
renumbered and amended to read:

[26-60b-107].    26-61a-204. Physician qualification.

(1) For the purposes of this chapter, a physician means an individual, other than a
veterinarian, who is licensed to prescribe a controlled substance under Title 58, Chapter 37,
Utah Controlled Substances Act and who possesses the authority, in accordance with the
individual's scope of practice, to prescribe Schedule II controlled substances.

(2) A physician may recommend cannabis if the physician recommends cannabis to no
more than 20% of the physician's patients at any given time.

(3) A physician may recommend cannabis to greater than 20% of the physician's
patients if the physician is certified, by the appropriate American medical board, in one of the
following specialties: anesthesiology, gastroenterology, neurology, oncology, pain and
palliative care, physiatry, or psychiatry.

(4) A physician may recommend cannabis to an individual under this chapter only in
the course of a physician-patient relationship after the physician has completed a full
assessment of the patient's condition and medical history.

(5) (a) Except as provided in Subsection (5)(b), a physician eligible to recommend
cannabis or a cannabis product under this section may not advertise that the physician
recommends cannabis or a cannabis product.

(b) A physician may advertise via a website that displays only:
   (i) a green cross;
   (ii) the location and hours of operation of the physician's office;
(iii) a qualifying illness that the physician treats; and
(iv) a scientific study regarding cannabis use.

Section 13. Section 26-61a-301, which is renumbered from Section 26-60b-201 is
renumbered and amended to read:

Part 3. Medical Cannabis Cards

Medical cannabis card -- Application -- Fees -- Database.

(1) The [Department of Health] department shall, no later than March 1, 2020, and
within 15 days after an individual submits an application in compliance with this section, issue
a medical cannabis card to an individual who complies with this section.

(2) An individual is eligible for a medical cannabis card if:

(a) the individual is at least 18 years old, the individual is a Utah resident, and
treatment with medical cannabis has been recommended by the individual's physician under
Subsection (4); or

(b) the individual is the parent or legal guardian of a minor, the individual is at least 18
years old, the individual is a Utah resident, and treatment with medical cannabis has been
recommended by the minor's physician under Subsection (4).

(3) An individual who is eligible for a medical cannabis card under Subsection (2)
shall submit an application for a medical cannabis card to the department via an electronic
application connected to the electronic verification system, with the recommending physician
while in the recommending physician's office, and that includes the individual's name, gender,
age, and address.

(4) A physician who recommends treatment with medical cannabis to an individual or
minor shall:

(a) state in the physician's recommendation that the individual suffers from a qualifying
illness, including the type of qualifying illness, and that the individual may benefit from
treatment with cannabis or a cannabis product; and

(b) before recommending cannabis or a cannabis product, look up the individual in the
controlled substance database created in Section 58-37f-201.

(5) A medical cannabis card issued by the department under this section is valid for the
lesser of an amount of time determined by the physician or six months.
(6) An individual who has been issued a medical cannabis card under this section may:
(a) carry a valid medical cannabis card with the patient's name;
(b) purchase, possess, and transport, in accordance with this chapter, cannabis, a cannabis product, or a medical cannabis device;
(c) use or assist with the use of medical cannabis or medical cannabis products to treat the qualifying illness or symptoms associated with the qualifying illness of the person for whom medical cannabis has been recommended; and
(d) after January 1, 2021, if a licensed cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's primary residence, grow up to six cannabis plants for personal medical use within an enclosed and locked space and not within view from a public place and that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the space and following the shortest route or ordinary pedestrian travel to the property boundary of the community location or residential area.

(7) The department may establish procedures, by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the medical cannabis card application and issuance provisions of this section.

(8) (a) A person may submit, to the department, a request to conduct a medical research study using medical cannabis cardholder data contained in the electronic verification system.
(b) The department shall review a request submitted under Subsection (8)(a) to determine if the medical research study is valid.
(c) If the department determines that the medical research study is valid under Subsection (8)(b), the department shall notify a relevant medical cannabis cardholder asking for the medical cannabis cardholder's participation in the study.
(d) The department may release, for the purposes of a study, information about a medical cannabis cardholder who consents to participation under Subsection (8)(c).
(e) The department may establish standards for a medical research study's validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 14. Section 26-61a-302, which is renumbered from Section 26-60b-202 is renumbered and amended to read:

[26-60b-202]. 26-61a-302. Medical cannabis card --- Designated caregiver
-- Registration -- Renewal -- Revocation.

(1) An individual may designate up to two individuals to serve as designated caregivers for the individual if:

(a) the individual has a valid medical cannabis card under Section [26-60b-201]; and

(b) a physician determines that, due to physical difficulty or undue hardship, the individual needs assistance to obtain cannabis or a cannabis product from a cannabis dispensary.

(2) An individual registered as a designated caregiver under this section may:

(a) carry a valid medical cannabis card with the designating patient's name and the designated caregiver's name;

(b) purchase, possess, and transport, in accordance with this chapter, cannabis, a cannabis product, or a medical cannabis device on behalf of the designating patient;

(c) accept reimbursement from the designating patient for direct costs incurred by the designated caregiver for assisting with the designating patient's medicinal use of cannabis; and

(d) after January 1, 2021, if a licensed cannabis dispensary is not operating within 100 miles of the designating patient's primary residence, assist the designating patient with growing up to six cannabis plants for personal medicinal use within an enclosed and locked space and not within view from a public place and that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the space and following the shortest route or ordinary pedestrian travel to the property boundary of the community location or residential area.

(3) The department shall, within 30 days after an individual submits an application in compliance with this section, issue a medical cannabis card to an individual designated as a caregiver under Subsection (1) and who complies with this section.

(4) An individual is eligible for a medical cannabis card as a designated caregiver if the individual:

(a) is at least 18 years old;

(b) is a Utah resident;

(c) pays, to the department, a fee established by the department in accordance with Section 63J-1-504, plus the cost of a criminal background check required by Section
(5) An individual who is eligible for a medical cannabis card as a designated caregiver shall submit an application for a medical cannabis card to the department via an electronic application connected to the electronic verification system and shall include the individual's name, gender, age, and address and the name of the patient that designated the individual under Subsection (1).

(6) A medical cannabis card issued by the department under this section is valid for the lesser of an amount of time determined by the physician, by the patient, or 6 months.

(7) A medical cannabis card is renewable for a designated caregiver if, at the time of renewal:

(a) the individual with a medical cannabis card described in Subsection (1) renews the caregiver's designation; and

(b) the designated caregiver meets the requirements of Subsection (4).

(8) A designated caregiver may not charge an individual a fee to act as the individual's designated caregiver or for services provided.

(9) The [Department of Health] department may revoke a designated caregiver's medical cannabis card if the individual:

(a) violates this chapter; or

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

Section 15. Section 26-61a-303, which is renumbered from Section 26-60b-203 is renumbered and amended to read:

26-61a-303. Designated caregiver -- Criminal background check.

(1) An individual registered as a designated caregiver under Section [26-60b-202] 26-61a-302 shall submit to a criminal background check in accordance with Subsection (2).

(2) Each designated caregiver shall:

(a) submit, to the department, a fingerprint card in a form acceptable to the department and the Department of Public Safety; and

(b) consent to a fingerprint background check by:
(i) the Utah Bureau of Criminal Identification; and
(ii) the Federal Bureau of Investigation.

(3) The Department of Public Safety shall complete a Federal Bureau of Investigation Criminal Background Check for each designated caregiver under Subsection (2) and report the results of the background check to the department.

Section 16. Section 26-61a-304, which is renumbered from Section 26-60b-204 is renumbered and amended to read:

26-61a-304. Medical cannabis card -- Patient and designated caregiver requirements -- Rebuttable presumption.

(1) An individual who has a medical cannabis card and who possesses cannabis or a cannabis product outside of the individual's residence shall:

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

(b) carry, with the cannabis or cannabis product, a label that identifies that the cannabis or cannabis product was originally sold from a licensed cannabis dispensary and includes an identification number that links the cannabis or cannabis product to the inventory control system; and

(c) possess not more than four ounces of unprocessed cannabis or an amount of cannabis product that contains 20 or fewer grams of tetrahydrocannabinol or cannabidiol.

(2) (a) Except as described in Subsection (2)(b), an individual who has a medical cannabis card may not use cannabis or a cannabis product in public view.

(b) An individual may use cannabis or a cannabis product in public view in the event of a medical emergency.

(3) If an individual possesses cannabis or a cannabis product in compliance with Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis product:

(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) a law enforcement officer does not have probable cause, based solely on the individual's possession of the cannabis, cannabis product, or medical cannabis device, to believe that the individual is engaging in illegal activity.

(4) (a) If a law enforcement officer stops an individual who possesses cannabis, a
cannabis product, or a medical cannabis device, and the individual represents to the law
enforcement officer that the individual holds a valid medical cannabis card, but the individual
does not have the medical cannabis card in the individual's possession at the time of the stop by
the law enforcement officer, the law enforcement officer shall attempt to access the electronic
verification system to determine whether the individual holds a valid medical cannabis card.
(b) If the law enforcement officer is able to verify that the individual described in
Subsection (4)(a) holds a valid medical cannabis card, the law enforcement officer:
(i) may not arrest or take the individual into custody for the sole reason that the
individual is in possession of cannabis, a cannabis product, or a medical cannabis device; and
(ii) may not seize the cannabis, cannabis product, or medical cannabis device.
(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis
device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject
to a $100 fine.
Section 17. Section 30-3-10 is amended to read:
30-3-10. Custody of children in case of separation or divorce -- Custody
consideration.
(1) If a husband and wife having minor children are separated, or their marriage is
declared void or dissolved, the court shall make an order for the future care and custody of the
minor children as it considers appropriate.
(a) In determining any form of custody, including a change in custody, the court shall
consider the best interests of the child without preference for either the mother or father solely
because of the biological sex of the parent and, among other factors the court finds relevant, the
following:
(i) the past conduct and demonstrated moral standards of each of the parties;
(ii) which parent is most likely to act in the best interest of the child, including
allowing the child frequent and continuing contact with the noncustodial parent;
(iii) the extent of bonding between the parent and child, meaning the depth, quality,
and nature of the relationship between a parent and child;
(iv) whether the parent has intentionally exposed the child to pornography or material
harmful to a minor, as defined in Section 76-10-1201; and
(v) those factors outlined in Section 30-3-10.2.
There shall be a rebuttable presumption that joint legal custody, as defined in Section 30-3-10.1, is in the best interest of the child, except in cases where there is:

(i) domestic violence in the home or in the presence of the child;
(ii) special physical or mental needs of a parent or child, making joint legal custody unreasonable;
(iii) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or
(iv) any other factor the court considers relevant including those listed in this section and Section 30-3-10.2.

The person who desires joint legal custody shall file a proposed parenting plan in accordance with Sections 30-3-10.8 and 30-3-10.9. A presumption for joint legal custody may be rebutted by a showing by a preponderance of the evidence that it is not in the best interest of the child.

The children may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the children be heard and there is no other reasonable method to present their testimony.

The court may inquire of the children and take into consideration the children's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the children's custody or parent-time otherwise. The desires of a child 14 years of age or older shall be given added weight, but is not the single controlling factor.

If interviews with the children are conducted by the court pursuant to Subsection (1)(e), they shall be conducted by the judge in camera. The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with the children is the only method to ascertain the child's desires regarding custody.

In awarding custody, the court shall consider, among other factors the court finds relevant, which parent is most likely to act in the best interests of the child, including allowing the child frequent and continuing contact with the noncustodial parent as the court finds appropriate.

If the court finds that one parent does not desire custody of the child, the court shall take that evidence into consideration in determining whether to award custody to the other
(4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.

(b) If a court takes a parent's disability into account in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody, the parent with a disability may rebut any evidence, presumption, or inference arising from the disability by showing that:

(i) the disability does not significantly or substantially inhibit the parent's ability to provide for the physical and emotional needs of the child at issue; and

(ii) the parent with a disability has sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the child at issue.

(c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.

(5) This section establishes neither a preference nor a presumption for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child.

(6) In considering the past conduct and demonstrated moral standards of each of the parties as described under Subsection (1)(a)(i), a court may not discriminate against a parent because of the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance with Title 26, Chapter 60b, Medical Cannabis Act, or because of the parent's status as a cannabis production establishment agent in accordance with Title 4, Chapter 41b, a cannabis dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in accordance with Title 26, Chapter 60b. Section 18. Section 53-1-106.5 is amended to read:

53-1-106.5. Medical Cannabis Act -- Department duties.

In addition to the duties described in Section 53-1-106, the department shall provide standards for training peace officers and law enforcement agencies in the use of the electronic verification system and collaborate with the Department of Health [and the Department of...
Section 19. Section 58-37-3.7 is amended to read:


(1) Before July 1, 2020, it is an affirmative defense to criminal charges against an individual for the use, or possession, or manufacture of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter that the individual would be eligible for a medical cannabis card, and that the individual's conduct would have been lawful, after July 1, 2020.

(2) It is an affirmative defense to criminal charges against an individual for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

(a) the individual is not a resident of Utah or has been a resident of Utah for less than 45 days and was issued a currently valid medical cannabis identification card or its equivalent under the laws of another state, district, territory, commonwealth, or insular possession of the United States; and

(b) the individual has been diagnosed with a qualifying illness as described in Section 26-60b-105 or 26-61a-202.

(3) A court shall, for charges that the court dismisses under Subsection (1) or Subsection (2), dismiss the charges without prejudice.

Section 20. Section 58-37-3.8 is amended to read:


(1) No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with the state medical cannabis laws, nor shall any such officer expend any state or local resources, including the officer's time, to provide any information or logistical support related to such activity to any federal law enforcement authority or prosecuting entity.

(2) No agency or political subdivision of Utah may rely on a violation of federal law
as the sole basis for taking an adverse action against a person providing professional services to a cannabis dispensary or a cannabis production establishment if the person has not violated the state medical cannabis laws.

Section 21. Section 58-37-3.9 is amended to read:

58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying illness.

(1) As used in this section:

(a) "Cannabis" means marijuana.

(b) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.

(c) "Cannabis product" means a product that:

(i) is intended for human ingestion; and

(ii) contains cannabis or tetrahydrocannabinol.

(d) "Designated caregiver" means the same as that term is defined in Section 26-61a-102.

(e) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

(f) "Marijuana" means the same as that term is defined in Section 58-37-2.

(g) "Medical cannabis card" means the same as that term is defined in Section 26-60b-102.

(h) "Medical cannabis device" means a device that an individual uses to ingest cannabis or a cannabis product.

(i) "Medical cannabis device" does not include a device that facilitates cannabis combustion at a temperature of greater than 750 degrees Fahrenheit.

(j) "Qualifying illness" means the same as that term is defined in Section 26-61a-102.

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

(2) Notwithstanding any other provision of law, except as otherwise provided in this section, an individual who possesses, produces, manufactures, dispenses, distributes, sells, or offers to sell cannabis or a cannabis product or who possesses with intent to produce,
manufacture, dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the penalties described in this title for the conduct to the extent that the individual's conduct complies with[: (i) Title 4, Chapter 41b, Cannabis Production Establishment; and (ii) Title 26, Chapter 61a, Medical Cannabis Act[.]

[(b) an individual who possesses, manufactures, distributes, sells, or offers to sell a medical cannabis device or who possesses with intent to manufacture, distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the penalties described in this title for the possession, manufacture, distribution, sale, or offer for sale of drug paraphernalia to the extent that the individual's conduct complies with:] [(i) Title 4, Chapter 41b, Cannabis Production Establishment; and (ii) Title 26, Chapter 60b, Medical Cannabis Act.]

(3) For purposes of state law, except as otherwise provided in this section, activities related to cannabis shall be considered lawful and any cannabis consumed shall be considered legally ingested, as long as the conduct is in accordance with[: (a) Title 4, Chapter 41b, Cannabis Production Establishment; and (b) Title 26, Chapter 60b, Medical Cannabis Act.]

(4) (a) It is not lawful for a medical cannabis card holder to smoke cannabis or to use a device to facilitate the smoking of cannabis.

(b) An individual convicted of violating this section is guilty of an infraction.

(c) For purposes of this section, smoking does not include a means of administration that involves cannabis combustion at a temperature that is not greater than 750 degrees Fahrenheit and that does not involve using a flame.

(5) An individual is not exempt from the penalties described in this title for ingesting cannabis or a cannabis product while operating a motor vehicle.

(6) An individual who is assessed a penalty or convicted of an infraction under [Title 4, Chapter 41b, Cannabis Production Establishment, or] Title 26, Chapter 61a, Medical Cannabis Act, is not subject to the penalties described in this chapter for:

(a) the possession[- manufacture, sale, or offer for sale] of cannabis or a cannabis product; or

(b) the possession[- manufacture, sale, or offer for sale] of drug paraphernalia.

Section 22. Section 62A-4a-202.1 is amended to read:
62A-4a-202.1. Entering home of a child -- Taking a child into protective custody
-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or
emergency placement.

(1) A peace officer or child welfare worker may not:
   (a) enter the home of a child who is not under the jurisdiction of the court, remove a
   child from the child's home or school, or take a child into protective custody unless authorized
   under Subsection 78A-6-106(2); or
   (b) remove a child from the child's home or take a child into custody under this section
   solely on the basis of:
   (i) educational neglect, truancy, or failure to comply with a court order to attend
   school; or
   (ii) the possession or use of cannabis, a cannabis product, or a medical cannabis device
   in the home, if the use and possession of the cannabis, cannabis product, or medical cannabis
   device is in compliance with Title 26, Chapter 61a. Medical Cannabis Act.

(2) A child welfare worker within the division may take action under Subsection [(10)]
(1) accompanied by a peace officer, or without a peace officer when a peace officer is not
reasonably available.

(3) (a) If possible, consistent with the child's safety and welfare, before taking a child
into protective custody, the child welfare worker shall also determine whether there are
services available that, if provided to a parent or guardian of the child, would eliminate the
need to remove the child from the custody of the child's parent or guardian.
   (b) If the services described in Subsection (3)(a) are reasonably available, they shall be
utilized.
   (c) In determining whether the services described in Subsection (3)(a) are reasonably
available, and in making reasonable efforts to provide those services, the child's health, safety,
and welfare shall be the child welfare worker's paramount concern.

(4) (a) A child removed or taken into custody under this section may not be placed or
kept in a secure detention facility pending court proceedings unless the child is detainable
based on guidelines promulgated by the Division of Juvenile Justice Services.
   (b) A child removed from the custody of the child's parent or guardian but who does
not require physical restriction shall be given temporary care in:
(i) a shelter facility; or
(ii) an emergency placement in accordance with Section 62A-4a-209.
(c) When making a placement under Subsection (4)(b), the Division of Child and Family Services shall give priority to a placement with a noncustodial parent, relative, or friend, in accordance with Section 62A-4a-209.

(d) If the child is not placed with a noncustodial parent, a relative, or a designated friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor explaining why a different placement was in the child's best interest.

(5) When a child is removed from the child's home or school or taken into protective custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:
(a) the parent's rights under this part, including the right to be present and participate in any court proceeding relating to the child's case;
(b) that it may be in the parent's best interest to contact an attorney and that, if the parent cannot afford an attorney, the court will appoint one;
(c) the name and contact information of a division employee the parent may contact with questions;
(d) resources that are available to the parent, including:
(i) mental health resources;
(ii) substance abuse resources; and
(iii) parenting classes; and
(e) any other information considered relevant by the division.

(6) The pamphlet or flier described in Subsection (5) shall be:
(a) evaluated periodically for its effectiveness at conveying necessary information and revised accordingly;
(b) written in simple, easy-to-understand language; and
(c) available in English and other languages as the division determines to be appropriate and necessary.

Section 23. Section 63I-2-226 is amended to read:

(1) Subsection 26-7-8(3) is repealed January 1, 2027.
(2) Subsection 26-7-9(5) is repealed January 1, 2019.
(3) Section 26-8a-107 is repealed July 1, 2019.
(4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
(7) Subsection 26-18-408(6) is repealed January 2, 2019.
(8) Subsection 26-18-410(5) is repealed January 1, 2026.
(9) Subsection 26-18-411(5) is repealed January 1, 2023.
(10) Subsection 26-18-604(2) is repealed January 1, 2020.
(11) Subsection 26-21-28(2)(b) is repealed January 1, 2021.
(12) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.
(13) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.
(14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.
(16) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.
(17) Subsection 26-55-107(8) is repealed January 1, 2021.
(18) Subsection 26-56-103(9)(d) is repealed January 1, 2020.
(19) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.
[(20) Subsection 26-61-202(4)(b) is repealed January 1, 2022.]
[(21) Subsection 26-61-202(5) is repealed January 1, 2022.]

Section 24. Section 78A-6-508 (Superseded 07/01/19) is amended to read:

78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or
(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;

(f) a history of violent behavior; or

(g) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent because of the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance with Title 26, Chapter 61a, Medical Cannabis Act.

(4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.
(6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(7) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Section 25. Section 78A-6-508 (Effective 07/01/19) is amended to read:

78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the
parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;

(f) a history of violent behavior; or

(g) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent because of the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance with Title 26, Chapter 61a, Medical Cannabis Act.

(4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.
(7) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Section 26. Repealer.

This bill repeals:

Section 4-41b-101, Title.
Section 4-41b-102, Definitions.
Section 4-41b-103, Inventory Control System.
Section 4-41b-104, Preemption.
Section 4-41b-201, Cannabis production establishment -- License.
Section 4-41b-202, Renewal.
Section 4-41b-203, Operating plan.
Section 4-41b-204, Number of licenses -- Cannabis cultivation facilities.
Section 4-41b-301, Cannabis production establishment agent -- Registration.
Section 4-41b-302, Cannabis production establishment -- Criminal background checks.
Section 4-41b-303, Cannabis production establishment agent registration card -- Rebuttable presumption.
Section 4-41b-401, Cannabis production establishment -- General operating requirements.
Section 4-41b-402, Inspections.
Section 4-41b-403, Advertising.
Section 4-41b-404, Cannabis, cannabis product, or medical cannabis device transportation.

Section 4-41b-405, Local control.

Section 4-41b-501, Cannabis cultivation facility -- Operating requirements.

Section 4-41b-502, Cannabis -- Labeling and packaging.

Section 4-41b-601, Cannabis processing facility -- Operating requirements -- General.

Section 4-41b-602, Cannabis product -- Labeling and packaging.

Section 4-41b-603, Cannabis product -- Product quality.

Section 4-41b-701, Cannabis and cannabis product testing.

Section 4-41b-702, Reporting -- Inspections -- Seizure by the department.

Section 4-41b-801, Enforcement -- Fine -- Citation.

Section 4-41b-802, Report.

Section 26-60b-301, Cannabis dispensary -- License -- Eligibility.

Section 26-60b-302, Renewal.

Section 26-60b-303, Operating plan.

Section 26-60b-304, Maximum number of licenses.

Section 26-60b-401, Cannabis dispensary agent -- Registration.

Section 26-60b-402, Cannabis dispensary agents -- Criminal background checks.

Section 26-60b-403, Cannabis dispensary agent registration card -- Rebuttable presumption.

Section 26-60b-501, Operating requirements -- General.

Section 26-60b-502, Dispensing -- Amount a cannabis dispensary may dispense -- Reporting -- Form of cannabis or cannabis product.

Section 26-60b-503, Inspections.

Section 26-60b-504, Advertising.

Section 26-60b-505, Cannabis, cannabis product, or medical cannabis device transportation.

Section 26-60b-506, Local control.

Section 26-60b-601, Enforcement -- Fine -- Citation.

Section 26-60b-602, Report.
Section 26-61-101, Title.

Section 26-61-102, Definitions.

Section 26-61-103, Institutional review board -- Approved study of cannabis, a cannabinoid product, or an expanded cannabinoid product.

Section 26-61-201, Cannabinoid Product Board.

Section 26-61-202, Cannabinoid Product Board -- Duties.

Section 59-12-104.7 (Repealed 01/01/19), Reporting by purchaser of certain sales and use tax exempt purchases.

Section 27. Effective date.

(1) Except as provided in Subsection (2), if approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

(2) The amendments to Section 78A-6-508 (Effective 07/01/19) in this bill take effect on July 1, 2019.