

Representative Norman K. Thurston 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 provides for the cultivation, processing, medical recommendation, and patient use of medical cannabis.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for licensing and regulation of a cannabis cultivation facility, a cannabis processing facility, an independent cannabis testing laboratory, and a medical cannabis pharmacy;
- ▶ provides for security and tracking of medical cannabis and a medical cannabis product from cultivation to use to ensure safety and chemical content;
- ▶ requires certain labeling and childproof packaging of medical cannabis and a medical cannabis product;
- ▶ requires the Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services to create an electronic verification system to facilitate recommendation, dispensing, and record-keeping for medical cannabis transactions;
- ▶ allows physicians, osteopathic physicians, and advanced practice registered nurses



- 26 to recommend medical cannabis;
- 27 ▶ allows an individual with a qualifying condition to obtain a medical cannabis
- 28 patient card on the recommendation of a certain medical professional to gain access
- 29 to medical cannabis;
- 30 ▶ allows a patient to designate a caregiver to assist with accessing medical cannabis;
- 31 ▶ provides for a parent or legal guardian to obtain a medical cannabis guardian card
- 32 for an eligible minor patient and for the minor patient to concurrently receive a
- 33 provisional patient card;
- 34 ▶ provides certain state employment discrimination protection for an individual who
- 35 lawfully uses medical cannabis;
- 36 ▶ limits the form and amount of medical cannabis available to a patient at one time;
- 37 ▶ prohibits a minor from entering a medical cannabis pharmacy;
- 38 ▶ requires the Department of Health to establish the state central fill medical cannabis
- 39 pharmacy;
- 40 ▶ provides for a process of state central fill shipment of medical cannabis and
- 41 cannabis product to a local health department for patient retrieval;
- 42 ▶ creates certain enterprise funds;
- 43 ▶ imposes criminal penalties for improperly giving or selling medical cannabis;
- 44 ▶ decriminalizes certain conduct for certain individuals before the medical cannabis
- 45 card program and medical cannabis pharmacies are operational;
- 46 ▶ creates protections from state prosecution for the lawful possession, use, and sale of
- 47 medical cannabis;
- 48 ▶ exempts medical cannabis and medical cannabis products from sales tax;
- 49 ▶ prohibits a court from considering the lawful use of medical cannabis in a custody
- 50 proceeding;
- 51 ▶ repeals superfluous sections related to authorized use of cannabis or a cannabis
- 52 product;
- 53 ▶ provides a severability clause;
- 54 ▶ re-enacts language that the voter initiative repealed by implication through use of
- 55 outdated code; and
- 56 ▶ makes technical and conforming changes.

57 **Money Appropriated in this Bill:**

58 None

59 **Other Special Clauses:**

60 This bill provides a special effective date.

61 This bill provides revisor instructions.

62 **Utah Code Sections Affected:**

63 AMENDS:

64 **4-41-102**, as last amended by Laws of Utah 2018, Chapters 227 and 452

65 **7-1-401**, as last amended by Laws of Utah 2018, Chapter 446

66 **10-9a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

67 **17-27a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

68 **26-61-202**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last

69 amended by Laws of Utah 2018, Chapter 110

70 **26-65-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

71 **26-65-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

72 **30-3-10**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

73 **34A-2-418**, as last amended by Laws of Utah 2016, Chapter 242

74 **41-6a-517 (Superseded 07/01/19)**, as last amended by Laws of Utah 2017, Chapter 446

75 **41-6a-517 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

76 **49-11-1401**, as last amended by Laws of Utah 2018, Chapter 61

77 **53-1-106.5**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

78 **58-17b-302**, as last amended by Laws of Utah 2014, Chapter 72

79 **58-17b-310**, as enacted by Laws of Utah 2004, Chapter 280

80 **58-17b-502**, as last amended by Laws of Utah 2018, Chapter 295

81 **58-31b-305**, as last amended by Laws of Utah 2014, Chapter 316

82 **58-31b-502**, as last amended by Laws of Utah 2016, Chapter 127

83 **58-37-3.6 (Superseded 07/01/19)**, as last amended by Laws of Utah 2018, Chapters

84 333 and 446

85 **58-37-3.6 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333,

86 446, and 452

87 **58-37-3.7**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

88 **58-37-3.8**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
89 **58-37-3.9**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
90 **58-37f-203 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 123
91 and 452
92 **58-67-304**, as last amended by Laws of Utah 2018, Chapters 282 and 318
93 **58-67-502**, as last amended by Laws of Utah 2017, Chapter 299
94 **58-68-304**, as last amended by Laws of Utah 2018, Chapter 318
95 **58-68-502**, as last amended by Laws of Utah 2017, Chapter 299
96 **58-85-102**, as last amended by Laws of Utah 2018, Chapter 333
97 **58-85-104**, as last amended by Laws of Utah 2018, Chapter 333
98 **58-85-105**, as last amended by Laws of Utah 2018, Chapter 333
99 **62A-4a-202.1**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018
100 **63I-1-226**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last
101 amended by Laws of Utah 2018, Chapters 180, 281, 384, 430, and 468
102 **63I-1-258**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last
103 amended by Laws of Utah 2018, Chapter 399
104 **67-19-33**, as last amended by Laws of Utah 2006, Chapter 139
105 **78A-6-508 (Superseded 07/01/19)**, as last amended by Laws of Utah 2014, Chapter
106 409
107 **78A-6-508 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

108 ENACTS:

109 **4-41a-104**, Utah Code Annotated 1953
110 **4-41a-105**, Utah Code Annotated 1953
111 **4-41a-106**, Utah Code Annotated 1953
112 **4-41a-405**, Utah Code Annotated 1953
113 **26-36d-101**, Utah Code Annotated 1953
114 **26-36d-102**, Utah Code Annotated 1953
115 **26-36d-103**, Utah Code Annotated 1953
116 **26-36d-201**, Utah Code Annotated 1953
117 **26-36d-202**, Utah Code Annotated 1953
118 **26-36d-203**, Utah Code Annotated 1953

- 119 **26-36d-204**, Utah Code Annotated 1953
- 120 **26-36d-205**, Utah Code Annotated 1953
- 121 **26-36d-206**, Utah Code Annotated 1953
- 122 **26-36d-207**, Utah Code Annotated 1953
- 123 **26-36d-208**, Utah Code Annotated 1953
- 124 **26-61a-108**, Utah Code Annotated 1953
- 125 **26-61a-110**, Utah Code Annotated 1953
- 126 **26-61a-112**, Utah Code Annotated 1953
- 127 **26-61a-113**, Utah Code Annotated 1953
- 128 **26-61a-114**, Utah Code Annotated 1953
- 129 **26-61a-205**, Utah Code Annotated 1953
- 130 **26-61a-403**, Utah Code Annotated 1953
- 131 **26-61a-503**, Utah Code Annotated 1953
- 132 **26-61a-601**, Utah Code Annotated 1953
- 133 **26-61a-602**, Utah Code Annotated 1953
- 134 **26-61a-603**, Utah Code Annotated 1953
- 135 **26-61a-604**, Utah Code Annotated 1953
- 136 **26-61a-605**, Utah Code Annotated 1953
- 137 **26-61a-606**, Utah Code Annotated 1953
- 138 **26-61a-607**, Utah Code Annotated 1953
- 139 **26-61a-608**, Utah Code Annotated 1953
- 140 **26-61a-609**, Utah Code Annotated 1953
- 141 **26-61a-610**, Utah Code Annotated 1953
- 142 **26-61a-611**, Utah Code Annotated 1953
- 143 **26-61a-701**, Utah Code Annotated 1953
- 144 **58-20b-101**, Utah Code Annotated 1953
- 145 **58-20b-102**, Utah Code Annotated 1953
- 146 **58-20b-201**, Utah Code Annotated 1953
- 147 **58-20b-301**, Utah Code Annotated 1953
- 148 **58-20b-302**, Utah Code Annotated 1953
- 149 **58-20b-303**, Utah Code Annotated 1953

- 150 [58-20b-304](#), Utah Code Annotated 1953
- 151 [58-20b-305](#), Utah Code Annotated 1953
- 152 [58-20b-401](#), Utah Code Annotated 1953
- 153 [58-20b-501](#), Utah Code Annotated 1953
- 154 [59-12-104.10](#), Utah Code Annotated 1953
- 155 [62A-3-322](#), Utah Code Annotated 1953

156 RENUMBERS AND AMENDS:

- 157 [4-41a-101](#), (Renumbered from 4-41b-101, as enacted by Statewide Initiative --
- 158 Proposition 2, Nov. 6, 2018)
- 159 [4-41a-102](#), (Renumbered from 4-41b-102, as enacted by Statewide Initiative --
- 160 Proposition 2, Nov. 6, 2018)
- 161 [4-41a-103](#), (Renumbered from 4-41b-103, as enacted by Statewide Initiative --
- 162 Proposition 2, Nov. 6, 2018)
- 163 [4-41a-201](#), (Renumbered from 4-41b-201, as enacted by Statewide Initiative --
- 164 Proposition 2, Nov. 6, 2018)
- 165 [4-41a-202](#), (Renumbered from 4-41b-302, as enacted by Statewide Initiative --
- 166 Proposition 2, Nov. 6, 2018)
- 167 [4-41a-203](#), (Renumbered from 4-41b-202, as enacted by Statewide Initiative --
- 168 Proposition 2, Nov. 6, 2018)
- 169 [4-41a-204](#), (Renumbered from 4-41b-203, as enacted by Statewide Initiative --
- 170 Proposition 2, Nov. 6, 2018)
- 171 [4-41a-205](#), (Renumbered from 4-41b-204, as enacted by Statewide Initiative --
- 172 Proposition 2, Nov. 6, 2018)
- 173 [4-41a-301](#), (Renumbered from 4-41b-301, as enacted by Statewide Initiative --
- 174 Proposition 2, Nov. 6, 2018)
- 175 [4-41a-302](#), (Renumbered from 4-41b-303, as enacted by Statewide Initiative --
- 176 Proposition 2, Nov. 6, 2018)
- 177 [4-41a-401](#), (Renumbered from 4-41b-401, as enacted by Statewide Initiative --
- 178 Proposition 2, Nov. 6, 2018)
- 179 [4-41a-402](#), (Renumbered from 4-41b-402, as enacted by Statewide Initiative --
- 180 Proposition 2, Nov. 6, 2018)

181 **4-41a-403**, (Renumbered from 4-41b-403, as enacted by Statewide Initiative --
182 Proposition 2, Nov. 6, 2018)
183 **4-41a-404**, (Renumbered from 4-41b-404, as enacted by Statewide Initiative --
184 Proposition 2, Nov. 6, 2018)
185 **4-41a-406**, (Renumbered from 4-41b-405, as enacted by Statewide Initiative --
186 Proposition 2, Nov. 6, 2018)
187 **4-41a-501**, (Renumbered from 4-41b-501, as enacted by Statewide Initiative --
188 Proposition 2, Nov. 6, 2018)
189 **4-41a-502**, (Renumbered from 4-41b-502, as enacted by Statewide Initiative --
190 Proposition 2, Nov. 6, 2018)
191 **4-41a-601**, (Renumbered from 4-41b-601, as enacted by Statewide Initiative --
192 Proposition 2, Nov. 6, 2018)
193 **4-41a-602**, (Renumbered from 4-41b-602, as enacted by Statewide Initiative --
194 Proposition 2, Nov. 6, 2018)
195 **4-41a-603**, (Renumbered from 4-41b-603, as enacted by Statewide Initiative --
196 Proposition 2, Nov. 6, 2018)
197 **4-41a-701**, (Renumbered from 4-41b-701, as enacted by Statewide Initiative --
198 Proposition 2, Nov. 6, 2018)
199 **4-41a-702**, (Renumbered from 4-41b-702, as enacted by Statewide Initiative --
200 Proposition 2, Nov. 6, 2018)
201 **4-41a-801**, (Renumbered from 4-41b-801, as enacted by Statewide Initiative --
202 Proposition 2, Nov. 6, 2018)
203 **4-41a-802**, (Renumbered from 4-41b-802, as enacted by Statewide Initiative --
204 Proposition 2, Nov. 6, 2018)
205 **26-61a-101**, (Renumbered from 26-60b-101, as enacted by Statewide Initiative --
206 Proposition 2, Nov. 6, 2018)
207 **26-61a-102**, (Renumbered from 26-60b-102, as enacted by Statewide Initiative --
208 Proposition 2, Nov. 6, 2018)
209 **26-61a-103**, (Renumbered from 26-60b-103, as enacted by Statewide Initiative --
210 Proposition 2, Nov. 6, 2018)
211 **26-61a-104**, (Renumbered from 26-60b-105, as enacted by Statewide Initiative --

212 Proposition 2, Nov. 6, 2018)
213 **26-61a-105**, (Renumbered from 26-60b-106, as enacted by Statewide Initiative --
214 Proposition 2, Nov. 6, 2018)
215 **26-61a-106**, (Renumbered from 26-60b-107, as enacted by Statewide Initiative --
216 Proposition 2, Nov. 6, 2018)
217 **26-61a-107**, (Renumbered from 26-60b-108, as enacted by Statewide Initiative --
218 Proposition 2, Nov. 6, 2018)
219 **26-61a-109**, (Renumbered from 26-60b-109, as enacted by Statewide Initiative --
220 Proposition 2, Nov. 6, 2018)
221 **26-61a-111**, (Renumbered from 26-60b-110, as enacted by Statewide Initiative --
222 Proposition 2, Nov. 6, 2018)
223 **26-61a-201**, (Renumbered from 26-60b-201, as enacted by Statewide Initiative --
224 Proposition 2, Nov. 6, 2018)
225 **26-61a-202**, (Renumbered from 26-60b-202, as enacted by Statewide Initiative --
226 Proposition 2, Nov. 6, 2018)
227 **26-61a-203**, (Renumbered from 26-60b-203, as enacted by Statewide Initiative --
228 Proposition 2, Nov. 6, 2018)
229 **26-61a-204**, (Renumbered from 26-60b-204, as enacted by Statewide Initiative --
230 Proposition 2, Nov. 6, 2018)
231 **26-61a-301**, (Renumbered from 26-60b-301, as enacted by Statewide Initiative --
232 Proposition 2, Nov. 6, 2018)
233 **26-61a-302**, (Renumbered from 26-60b-402, as enacted by Statewide Initiative --
234 Proposition 2, Nov. 6, 2018)
235 **26-61a-303**, (Renumbered from 26-60b-302, as enacted by Statewide Initiative --
236 Proposition 2, Nov. 6, 2018)
237 **26-61a-304**, (Renumbered from 26-60b-303, as enacted by Statewide Initiative --
238 Proposition 2, Nov. 6, 2018)
239 **26-61a-305**, (Renumbered from 26-60b-304, as enacted by Statewide Initiative --
240 Proposition 2, Nov. 6, 2018)
241 **26-61a-401**, (Renumbered from 26-60b-401, as enacted by Statewide Initiative --
242 Proposition 2, Nov. 6, 2018)

243 **26-61a-402**, (Renumbered from 26-60b-403, as enacted by Statewide Initiative --
244 Proposition 2, Nov. 6, 2018)

245 **26-61a-501**, (Renumbered from 26-60b-501, as enacted by Statewide Initiative --
246 Proposition 2, Nov. 6, 2018)

247 **26-61a-502**, (Renumbered from 26-60b-502, as enacted by Statewide Initiative --
248 Proposition 2, Nov. 6, 2018)

249 **26-61a-504**, (Renumbered from 26-60b-503, as enacted by Statewide Initiative --
250 Proposition 2, Nov. 6, 2018)

251 **26-61a-505**, (Renumbered from 26-60b-504, as enacted by Statewide Initiative --
252 Proposition 2, Nov. 6, 2018)

253 **26-61a-506**, (Renumbered from 26-60b-505, as enacted by Statewide Initiative --
254 Proposition 2, Nov. 6, 2018)

255 **26-61a-507**, (Renumbered from 26-60b-506, as enacted by Statewide Initiative --
256 Proposition 2, Nov. 6, 2018)

257 **26-61a-702**, (Renumbered from 26-60b-601, as enacted by Statewide Initiative --
258 Proposition 2, Nov. 6, 2018)

259 **26-61a-703**, (Renumbered from 26-60b-602, as enacted by Statewide Initiative --
260 Proposition 2, Nov. 6, 2018)

261 REPEALS:

262 **4-41-201**, as enacted by Laws of Utah 2018, Chapter 446

263 **4-41-202**, as enacted by Laws of Utah 2018, Chapter 446

264 **4-41-203**, as enacted by Laws of Utah 2018, Chapter 446

265 **4-41-301**, as enacted by Laws of Utah 2018, Chapter 446

266 **4-41-302**, as enacted by Laws of Utah 2018, Chapter 446

267 **4-41-303**, as enacted by Laws of Utah 2018, Chapter 446

268 **4-41-304**, as enacted by Laws of Utah 2018, Chapter 446

269 **4-41b-104**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

270 **4-43-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

271 **4-43-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

272 **4-43-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

273 **4-43-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

274 **4-43-203 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
275 **4-43-301 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
276 **4-43-401 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
277 **4-43-402 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
278 **4-43-501 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
279 **4-43-502 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
280 **4-43-503 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
281 **4-43-601 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
282 **4-43-602 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
283 **4-43-701 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
284 **4-43-702 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
285 **4-43-703 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
286 **4-43-801 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
287 **26-60b-104**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
288 **58-67-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
289 **58-68-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
290 **58-85-103.5**, as enacted by Laws of Utah 2018, Chapter 333
291 **58-88-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
292 **58-88-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
293 **58-88-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
294 **58-88-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
295 **59-12-104.7 (Repealed 01/01/19)**, as repealed by Laws of Utah 2018, Second Special
296 Session, Chapter 6
297 **59-12-104.9 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
298 **59-29-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
299 **59-29-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
300 **59-29-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
301 **59-29-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
302 **59-29-105 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
303 **59-29-106 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
304 **59-29-107 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

305 **59-29-108 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

306 **Utah Code Sections Affected by Revisor Instructions:**

307 **4-41a-106**, Utah Code Annotated 1953

308 **4-41a-201**, Utah Code Annotated 1953

309 **4-41a-301**, (Renumbered from 4-41b-301, as enacted by Statewide Initiative --
310 Proposition 2, Nov. 6, 2018)

311 **4-41a-401**, (Renumbered from 4-41b-401, as enacted by Statewide Initiative --
312 Proposition 2, Nov. 6, 2018)

313 **26-61a-114**, Utah Code Annotated 1953

314 **26-61a-202**, (Renumbered from 26-60b-202, as enacted by Statewide Initiative --
315 Proposition 2, Nov. 6, 2018)

316 **26-61a-301**, (Renumbered from 26-60b-301, as enacted by Statewide Initiative --
317 Proposition 2, Nov. 6, 2018)

318 **26-61a-401**, (Renumbered from 26-60b-401, as enacted by Statewide Initiative --
319 Proposition 2, Nov. 6, 2018)

320 **26-61a-602**, Utah Code Annotated 1953

321 **26-61a-606**, Utah Code Annotated 1953



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

324 Section 1. Section **4-41-102** is amended to read:

325 **4-41-102. Definitions.**

326 [~~For purposes of~~] As used in this chapter:

327 (1) "Agricultural pilot program" means a program to study the growth, cultivation, or
328 marketing of industrial hemp.

329 (2) "Cannabidiol product" means a chemical compound extracted from a hemp product
330 that:

331 (a) is processed into a medicinal dosage form; and

332 (b) contains less than 0.3% tetrahydrocannabinol by dry weight [~~before processing and~~
333 ~~no more than a 10:1 ratio of cannabidiol to tetrahydrocannabinol after processing~~].

334 (3) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with
335 a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

336 (4) "Industrial hemp certificate" means a certificate issued by the department to a
337 higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

338 (5) "Industrial hemp license" means a license issued by the department to a person for
339 the purpose of participating in a research pilot program.

340 (6) "Industrial hemp product" means a product derived from, or made by, processing
341 industrial hemp plants or industrial hemp parts.

342 (7) "Licensee" means an individual or business entity possessing a license issued by the
343 department under this chapter to grow, cultivate, process, or market industrial hemp or an
344 industrial hemp product.

345 (8) "Medicinal dosage form" means [~~the same as that term is defined in Section~~
346 [26-65-102](#)];

347 (a) a tablet;

348 (b) a capsule;

349 (c) a concentrated oil;

350 (d) a sublingual preparation;

351 (e) a topical preparation;

352 (f) a transdermal preparation;

353 (g) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
354 cuboid shape; or

355 (h) other preparations that the department approves.

356 (9) "Person" means:

357 (a) an individual, partnership, association, firm, trust, limited liability company, or
358 corporation; and

359 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
360 liability company, or corporation.

361 (10) "Research pilot program" means a program conducted by the department in
362 collaboration with at least one licensee to study methods of cultivating, processing, or
363 marketing industrial hemp.

364 Section 2. Section **4-41a-101**, which is renumbered from Section 4-41b-101 is
365 renumbered and amended to read:

366 **CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS**

367 **Part 1. General Provisions.**

368 ~~[4-41b-101].~~ **4-41a-101. Title.**

369 [(†)] This chapter is known as "Cannabis Production Establishments."

370 Section 3. Section **4-41a-102**, which is renumbered from Section 4-41b-102 is
371 renumbered and amended to read:

372 ~~[4-41b-102].~~ **4-41a-102. Definitions.**

373 As used in this chapter:

374 (1) "Cannabis" means the same as that term is defined in Section ~~[58-37-3-9]~~
375 26-61a-102.

376 (2) "Cannabis cultivation facility" means a person that:

377 (a) possesses cannabis;

378 (b) grows or intends to grow cannabis; and

379 (c) sells or intends to sell cannabis to a cannabis ~~[production establishments]~~
380 cultivation facility or to a cannabis ~~[dispensaries]~~ processing facility.

381 (3) "Cannabis cultivation facility agent" means an individual who:

382 (a) is an ~~[owner, officer, director, board member,]~~ employee~~[-, or volunteer]~~ of a
383 cannabis cultivation facility~~[-]; and~~

384 (b) holds a valid cannabis production establishment agent registration card.

385 ~~[(4) "Cannabis dispensary" means the same as that term is defined in Section~~
386 ~~26-60b-102:]~~

387 ~~[(5) "Cannabis dispensary agent" means the same as that term is defined in Section~~
388 ~~26-60b-102:]~~

389 ~~[(6)]~~ (4) "Cannabis processing facility" means a person that:

390 (a) acquires or intends to acquire cannabis from a cannabis production establishment or
391 a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and
392 Cannabidiol Act;

393 (b) possesses cannabis with the intent to manufacture a cannabis product;

394 (c) manufactures or intends to manufacture a cannabis product from unprocessed
395 cannabis or a cannabis extract; and

396 (d) sells or intends to sell a cannabis product to a medical cannabis ~~[dispensary]~~
397 pharmacy or the state central fill medical cannabis pharmacy.

- 398 [(7)] (5) "Cannabis processing facility agent" means an individual who:
- 399 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a
400 cannabis processing facility[~~;~~]; and
- 401 (b) holds a valid cannabis production establishment agent registration card.
- 402 [(8)] (6) "Cannabis product" means the same as that term is defined in Section
403 [~~58-37-3.9~~] 26-61a-102.
- 404 [(9)] (7) "Cannabis production establishment" means a cannabis cultivation facility, a
405 cannabis processing facility, or an independent cannabis testing laboratory.
- 406 [(10)] (8) "Cannabis production establishment agent" means a cannabis cultivation
407 facility agent, a cannabis processing facility agent, or an independent cannabis testing
408 laboratory agent.
- 409 [(11)] (9) "Cannabis production establishment agent registration card" means a
410 registration card[~~, issued by~~] that the department[~~;~~] issues that:
- 411 (a) authorizes an individual to act as a cannabis production establishment agent; and
412 (b) designates the type of cannabis production establishment for which an individual is
413 authorized to act as an agent.
- 414 [(12)] (10) "Community location" means a public or private school, a church, a public
415 library, a public playground, or a public park.
- 416 (11) "Department" means the Department of Agriculture and Food.
- 417 (12) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
418 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
419 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 420 (13) "Independent cannabis testing laboratory" means a person that:
- 421 (a) conducts a chemical or other analysis of cannabis or a cannabis product; or
422 (b) acquires, possesses, and transports cannabis or a cannabis product with the intent to
423 conduct a chemical or other analysis of the cannabis or cannabis product.
- 424 (14) "Independent cannabis testing laboratory agent" means an individual who:
- 425 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of an
426 independent cannabis testing laboratory[~~;~~]; and
- 427 (b) holds a valid cannabis production establishment agent registration card.
- 428 (15) "Inventory control system" means [~~the~~] a system described in Section [4-41b-103]

429 [4-41a-103](#).

430 (16) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

431 ~~[(16)]~~ (17) "Medical cannabis card" means the same as that term is defined in Section
432 ~~[26-60b-102]~~ [26-61a-102](#).

433 (18) "Medical cannabis pharmacy" means the same as that term is defined in Section
434 [26-61a-102](#).

435 (19) "Medical cannabis pharmacy agent" means the same as that term is defined in
436 Section [26-61a-102](#).

437 ~~[(17) "Medical Cannabis Restricted Account" means the account created in Section
438 [26-60b-109](#).]~~

439 (20) "Medical cannabis treatment" means the same as that term is defined in Section
440 [26-61a-102](#).

441 (21) "Medicinal dosage form" means the same as that term is defined in Section
442 [26-61a-102](#).

443 ~~[(18) "Physician"]~~ (22) "Qualified medical provider" means the same as that term is
444 defined in Section ~~[26-60b-107]~~ [26-61a-102](#).

445 (23) "Qualified Production Enterprise Account" means the account created in Section
446 [4-41a-104](#).

447 (24) "State central fill agent" means the same as that term is defined in Section
448 [26-61a-102](#).

449 (25) "State central fill medical cannabis pharmacy" means the same as that term is
450 defined in Section [26-61a-102](#).

451 (26) "State central fill shipment" means the same as that term is defined in Section
452 [26-61a-102](#).

453 ~~[(19)]~~ (27) "State electronic verification system" means the system described in Section
454 ~~[26-60b-103]~~ [26-61a-103](#).

455 (28) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
456 equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

457 (29) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and
458 [tetrahydrocannabinolic acid](#).

459 Section 4. Section **4-41a-103**, which is renumbered from Section 4-41b-103 is

460 renumbered and amended to read:

461 ~~[4-41b-103].~~ **4-41a-103. Inventory control system.**

462 (1) ~~[A]~~ Each cannabis production establishment [and a], each medical cannabis
463 [dispensary] pharmacy, and the state central fill medical cannabis pharmacy shall maintain an
464 inventory control system that meets the requirements of this section.

465 (2) ~~[An]~~ A cannabis production establishment, a medical cannabis pharmacy, and the
466 state central fill medical cannabis pharmacy shall ensure that the inventory control system
467 [shall track] maintained by the establishment or pharmacy:

468 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis
469 plant is eight inches tall[;] and has a root ball[;] until the cannabis is disposed of or sold, in the
470 form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis
471 card[.-(3) ~~An inventory control system shall store~~];

472 (b) maintains in real time a record of the amount of cannabis and cannabis products in
473 the ~~[cannabis production establishment's or cannabis dispensary's]~~ possession[.-(4) ~~An~~
474 ~~inventory control system shall include~~] of the establishment or pharmacy;

475 (c) includes a video recording system that:

476 ~~[(a)]~~ (i) tracks all handling and processing of cannabis or a cannabis product in the
477 ~~[cannabis production]~~ establishment or ~~[cannabis dispensary]~~ pharmacy;

478 ~~[(b)]~~ (ii) is tamper proof; ~~[and (c) is capable of storing]~~

479 (iii) stores a video record for at least 45 days[.-(5) ~~An inventory control system~~
480 ~~installed in a cannabis production establishment or cannabis dispensary shall maintain~~]; and

481 (d) preserves compatibility with the state electronic verification system described in
482 Section 26-61a-103.

483 ~~[(6)]~~ (3) A cannabis production establishment [or], a medical cannabis [dispensary]
484 pharmacy, and the state central fill medical cannabis pharmacy shall allow the department or
485 the Department of Health access to the cannabis production establishment's ~~[or],~~ medical
486 cannabis [dispensary's] pharmacy's, or state central fill medical cannabis pharmacy's inventory
487 control system ~~[during an inspection]~~ at any time.

488 ~~[(7)]~~ (4) The department may establish compatibility standards for an inventory control
489 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
490 Rulemaking Act.

491 (5) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
492 Administrative Rulemaking Act, establishing requirements for aggregate or batch records
493 regarding the planting and propagation of cannabis before being tracked in an inventory control
494 system described in this section.

495 (b) The department shall ensure that the rules described in Subsection (5)(a) address
496 record-keeping for the amount of planted seed, number of cuttings taken, date and time of
497 cutting and planting, number of plants established, and number of plants culled or dead.

498 Section 5. Section **4-41a-104** is enacted to read:

499 **4-41a-104. Qualified Production Enterprise Fund -- Creation -- Revenue**
500 **neutrality.**

501 (1) There is created an enterprise fund known as the "Qualified Production Enterprise
502 Fund."

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

504 (a) money the department deposits into the fund under this chapter;

505 (b) appropriations the Legislature makes to the fund; and

506 (c) the interest described in Subsection (3).

507 (3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into
508 the fund.

509 (4) The department may only use money in the fund to fund the department's
510 implementation of this chapter.

511 (5) The department shall set fees authorized under this chapter in amounts that the
512 department anticipates are necessary, in total, to cover the department's cost to implement this
513 chapter.

514 Section 6. Section **4-41a-105** is enacted to read:

515 **4-41a-105. Agreement with a tribe.**

516 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
517 band.

518 (2) (a) In accordance with this section, the governor may enter into an agreement with a
519 tribe to allow for the operation of a cannabis production establishment on tribal land located
520 within the state.

521 (b) An agreement described in Subsection (2)(a) may not exempt any person from the

522 requirements of this chapter.

523 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

524 (i) is in writing;

525 (ii) is signed by:

526 (A) the governor; and

527 (B) the governing body of the tribe that the tribe designates and has the authority to
528 bind the tribe to the terms of the agreement;

529 (iii) states the effective date of the agreement;

530 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
531 becomes inconsistent with a state statute; and

532 (v) includes any accommodation that the tribe makes:

533 (A) to which the tribe agrees; and

534 (B) that is reasonably related to the agreement.

535 (d) Before executing an agreement under this Subsection (2), the governor shall consult
536 with the department.

537 (e) At least 30 days before the execution of an agreement described in this Subsection
538 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
539 in which the agreement will be executed to:

540 (i) the chairs of the Native American Legislative Liaison Committee; and

541 (ii) the Office of Legislative Research and General Counsel.

542 Section 7. Section **4-41a-106** is enacted to read:

543 **4-41a-106. Severability clause.**

544 (1) If a final decision of a court of competent jurisdiction holds invalid any provision
545 of this title or this bill or the application of any provision of this title or this bill to any person
546 or circumstance, the remaining provisions of this title and this bill remain effective without the
547 invalidated provision or application.

548 (2) The provisions of this title and this bill are severable.

549 Section 8. Section **4-41a-201**, which is renumbered from Section 4-41b-201 is
550 renumbered and amended to read:

551 **Part 2. Cannabis Production Establishment**

552 ~~[4-41b-201]~~. **4-41a-201. Cannabis production establishment -- License.**

553 (1) A person may not operate a cannabis production establishment without a license
554 ~~[issued by]~~ that the department issues under this chapter.

555 (2) (a) Subject to Subsections (6) ~~[and]~~, (7), and (8), and to Section ~~[4-41b-204]~~
556 4-41a-205, the department shall, ~~[within 90 days after receiving a complete application]~~ in
557 accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license to operate a
558 cannabis production establishment to ~~[a person who]~~ an applicant who is eligible for a license
559 under this section.

560 (b) An applicant is eligible for a license under this section if the applicant submits to
561 the department:

562 ~~[(a)]~~ (i) a proposed name and address, located in a zone described in Subsection
563 4-41a-406(1)(a) or (b), where the ~~[person]~~ applicant will operate the cannabis production
564 establishment that is not within ~~[600]~~ 1,000 feet of a community location or within ~~[300]~~ 600
565 feet of an area zoned ~~[exclusively]~~ primarily for residential use, as measured from the nearest
566 entrance to the cannabis production establishment by following the shortest route of ordinary
567 pedestrian travel to the property boundary of the community location or residential area, unless
568 the relevant county or municipality recommends in writing that the department waive the
569 community location proximity limit;

570 ~~[(b)]~~ (ii) the name and address of any individual who has:

571 (A) a financial or voting interest of ~~[two percent]~~ 2% or greater in the proposed
572 cannabis production establishment; or ~~[who has]~~

573 (B) the power to direct or cause the management or control of a proposed ~~[medical]~~
574 cannabis production establishment;

575 ~~[(c)]~~ (iii) an operating plan that:

576 (A) complies with Section ~~[4-41b-203 and that]~~ 4-41a-204;

577 (B) includes operating procedures ~~[to]~~ that comply with ~~[the requirements of]~~ this
578 chapter and ~~[with]~~ any ~~[laws adopted by]~~ law the municipality or county ~~[that are]~~ in which the
579 person is located adopts that is consistent with Section ~~[4-41b-405]~~ 4-41a-406; and

580 (C) the department approves;

581 ~~[(d)]~~ (iv) ~~[financial statements demonstrating that the person possesses a minimum of]~~
582 evidence that the applicant has obtained and maintains a performance bond that a surety
583 authorized to transact surety business in the state issues in an amount of at least:

584 (A) [~~\$500,000 in liquid assets available~~] \$250,000 for each cannabis cultivation facility
585 for which the [person] applicant applies; or [~~a minimum of \$100,000~~]

586 (B) [~~in liquid assets available~~] \$50,000 for each cannabis processing facility or
587 independent cannabis testing laboratory for which the [person] applicant applies;

588 [~~(e) if the municipality or county where the proposed cannabis production~~
589 ~~establishment would be located has enacted zoning restrictions, a sworn statement certifying~~
590 ~~that the proposed cannabis production establishment is in compliance with the restrictions;~~]

591 [~~(f)~~] (v) if the municipality or county where the proposed cannabis production
592 establishment would be located requires a local land use permit [~~or license~~], a copy of the
593 applicant's approved application for the local land use permit [~~or license~~]; and

594 [~~(g)~~] (vi) an application fee [~~established by~~] in an amount that, subject to Subsection
595 4-41a-104(5), the department sets in accordance with Section 63J-1-504 [~~that is necessary to~~
596 ~~cover the department's cost to implement this chapter~~].

597 (3) If the department [~~determines that a cannabis production establishment is eligible~~]
598 approves an application for a license under this section[;];

599 (a) the applicant shall pay the department [~~shall charge the cannabis establishment~~] an
600 initial license fee in an amount [~~determined by~~] that, subject to Subsection 4-41a-104(5), the
601 department sets in accordance with Section 63J-1-504 [;]; and

602 (b) the department shall notify the Department of Public Safety of the license approval
603 and the names of each individual described in Subsection (2)(b)(ii).

604 (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), the department shall require a
605 separate license for each type of cannabis production establishment and each location of a
606 cannabis production establishment.

607 [~~(5)~~] (b) The department may issue a cannabis cultivation facility license and a
608 cannabis processing facility license to a person to operate at the same physical location or at
609 separate physical locations.

610 (5) If the department receives more than one application for a cannabis production
611 establishment within the same city or town, the department shall consult with the local land use
612 authority before approving any of the applications pertaining to that city or town.

613 (6) The department may not issue a license to operate an independent cannabis testing
614 laboratory to a person who:

615 (a) ~~[that]~~ holds a license or has an ownership interest in a medical cannabis
616 ~~[dispensary]~~ pharmacy, a cannabis processing facility, or a cannabis cultivation facility ~~[in the~~
617 ~~state]~~;

618 (b) ~~[that]~~ has an owner, officer, director, or employee whose ~~[immediate]~~ family
619 member holds a license or has an ownership interest in a medical cannabis ~~[dispensary]~~
620 pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or

621 (c) ~~[who]~~ proposes to operate the independent cannabis testing laboratory at the same
622 physical location as a medical cannabis ~~[dispensary]~~ pharmacy, a cannabis processing facility,
623 or a cannabis cultivation facility.

624 (7) The department may not issue a license to operate a cannabis production
625 establishment to an applicant if any individual ~~[who has a financial or voting interest of two~~
626 ~~percent or greater in the applicant or who has the power to direct or cause the management or~~
627 ~~control of the applicant]~~ described in Subsection (2)(b)(ii):

628 (a) has been convicted ~~[of an offense that is a felony]~~ under ~~[either]~~ state or federal
629 law~~[-or]~~ of:

630 (i) a felony; or

631 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

632 (b) is ~~[less]~~ younger than 21 years ~~[of age]~~ old.

633 (8) If an applicant for a cannabis production establishment license under this section
634 holds a license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 26, Chapter 61a,
635 Utah Medical Cannabis Act, the department:

636 (a) shall consult with the Department of Health regarding the applicant if the license
637 the applicant holds is a license under Title 26, Chapter 61a, Utah Medical Cannabis Act; and

638 (b) may not give preference to the applicant based on the applicant's status as a holder
639 of a license described in this Subsection (8).

640 ~~[(8)]~~ (9) The department may revoke a license under this part:

641 (a) if the cannabis production establishment [is] does not [operating] begin cannabis
642 production operations within one year [of the issuance of] after the day on which the
643 department issues the initial license[-];

644 (b) after the cannabis production establishment makes the same violation of this
645 chapter three times; or

646 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
647 active, under state or federal law of:

648 (i) a felony; or

649 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

650 ~~[(9)]~~ (10) The department shall deposit the proceeds of a fee [imposed by] that the
651 department imposes under this section [in] into the [Medical Cannabis Restricted] Qualified
652 Production Enterprise Account.

653 ~~[(10)]~~ (11) The department shall begin accepting applications under this part [no later
654 than] on or before January 1, 2020.

655 (12) The department's authority to issue a license under this section is plenary and is
656 not subject to review.

657 Section 9. Section **4-41a-202**, which is renumbered from Section 4-41b-302 is
658 renumbered and amended to read:

659 ~~[4-41b-302].~~ **4-41a-202. Cannabis production establishment owners and**
660 **directors -- Criminal background checks.**

661 (1) Each applicant for a license as a cannabis production establishment shall submit to
662 the department, at the time of application, from each individual who has a financial or voting
663 interest of ~~[two percent]~~ 2% or greater in the applicant or who has the power to direct or cause
664 the management or control of the applicant:

665 (a) a fingerprint card in a form acceptable to the ~~[department, and]~~ Department of
666 Public Safety;

667 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
668 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
669 Generation Identification System's Rap Back Service; and

670 ~~[(b)]~~ (c) consent to a fingerprint background check by:

671 (i) the Utah Bureau of Criminal Identification; and

672 (ii) the Federal Bureau of Investigation.

673 ~~[(2) The department shall request that the Department of Public Safety complete a~~
674 ~~Federal Bureau of Investigation criminal background check for the individual described in~~
675 ~~Subsection (1).]~~

676 (2) The Bureau of Criminal Identification shall:

- 677 (a) check the fingerprints the applicant submits under Subsection (1) against the
 678 applicable state, regional, and national criminal records databases, including the Federal
 679 Bureau of Investigation Next Generation Identification System;
 680 (b) report the results of the background check to the department;
 681 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
 682 for search by future submissions to the local and regional criminal records databases, including
 683 latent prints;
 684 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
 685 Generation Identification System's Rap Back Service for search by future submissions to
 686 national criminal records databases, including the Next Generation Identification System and
 687 latent prints; and
 688 (e) establish a privacy risk mitigation strategy to ensure that the department only
 689 receives notifications for an individual with whom the department maintains an authorizing
 690 relationship.

691 (3) The department shall:

- 692 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
 693 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
 694 Bureau of Criminal Identification or another authorized agency provides under this section; and
 695 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
 696 Identification.

697 Section 10. Section **4-41a-203**, which is renumbered from Section 4-41b-202 is
 698 renumbered and amended to read:

699 ~~[4-41b-202].~~ **4-41a-203. Renewal.**

700 ~~[(1)]~~ The department shall renew a ~~[person's]~~ license issued under Section ~~[4-41b-201]~~
 701 [4-41a-201](#) every ~~[two years;]~~ year if, at the time of renewal:

702 ~~[(a)]~~ (1) the ~~[person]~~ licensee meets the requirements of Section ~~[4-41b-201]~~

703 [4-41a-201](#); ~~[and]~~

704 ~~[(b)]~~ (2) the ~~[person]~~ licensee pays the department a license renewal fee in an amount
 705 ~~[determined by]~~ that, subject to Subsection [4-41a-104\(5\)](#), the department sets in accordance
 706 with Section [63J-1-504](#)~~[-];~~ and

707 (3) if the cannabis production establishment changes the operating plan described in

708 Section 4-41a-204 that the department approved under Subsection 4-41a-201(2)(b)(iii), the
709 department approves the new operating plan.

710 Section 11. Section ~~4-41a-204~~, which is renumbered from Section 4-41b-203 is
711 renumbered and amended to read:

712 ~~[4-41b-203].~~ **4-41a-204. Operating plan.**

713 (1) A person applying for a cannabis production [~~facility~~] establishment license or
714 license renewal shall submit to the department for the department's review a proposed
715 [~~operation~~] operating plan that complies with this section and that includes:

716 (a) a description of the physical characteristics of the proposed facility, including a
717 floor plan and an architectural elevation;

718 (b) a description of the credentials and experience of:

719 (i) each officer, director, [~~or~~] and owner of the proposed cannabis production
720 establishment; and

721 (ii) any highly skilled or experienced prospective employee;

722 (c) the cannabis production establishment's employee training standards;

723 (d) a security plan;

724 (e) a description of the cannabis production establishment's inventory control system,
725 including a [~~plan to make~~] description of how the inventory control system is compatible with
726 the state electronic verification system described in Section 26-61a-103;

727 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
728 manner that is sanitary and preserves the integrity of the cannabis;

729 [~~(f)~~] (g) for a cannabis cultivation facility, the information described in Subsection (2);

730 [~~(g)~~] (h) for a cannabis processing facility, the information described in Subsection (3);

731 and

732 [~~(h)~~] (i) for an independent cannabis testing laboratory, the information described in
733 Subsection (4).

734 (2) (a) A cannabis cultivation facility shall ensure that the facility's operating plan
735 [~~shall include the cannabis cultivation~~] includes the facility's intended:

736 (i) cannabis cultivation practices, including the [~~cannabis cultivation~~] facility's
737 intended pesticide use[;] and fertilizer use[;]; and

738 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation[;] and

739 anticipated cannabis yield.

740 (b) Except as provided in Subsection (2)(c) or (d):

741 (i) a cannabis cultivation facility that cultivates cannabis indoors may not:

742 (A) use more than 100,000 square feet for cultivation; or

743 (B) hang, suspend, stack or otherwise position plants above other plants to cultivate
744 more plants through use of vertical space; and

745 (ii) a cannabis cultivation facility that cultivates cannabis outdoors may not use more
746 than four acres for cultivation.

747 (c) (i) Each licensee may annually apply to the department for authorization to exceed
748 the cannabis cultivation facility's current cultivation size limitation by up to 20%.

749 (ii) The department may, after conducting a review as described in Subsection
750 4-41a-205(2)(a), grant the authorization described in Subsection (2)(c)(i).

751 (d) If a licensee describes an intended acreage or square footage under cultivation
752 under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b):

753 (i) the licensee may not cultivate more than the licensee's identified intended acreage or
754 square footage under cultivation; and

755 (ii) notwithstanding Subsection (2)(b), the department may allocate the remaining
756 difference in acreage or square footage under cultivation to another licensee.

757 (3) A cannabis processing facility's operating plan shall include the [~~cannabis~~
758 ~~processing~~] facility's intended cannabis processing practices, including the cannabis processing
759 facility's intended [~~offered variety of cannabis product, cannabinoid extraction method,~~
760 ~~cannabinoid extraction equipment, processing equipment, processing techniques, and sanitation~~
761 ~~and food safety procedures.];~~

762 (a) offered variety of cannabis product;

763 (b) cannabinoid extraction method;

764 (c) cannabinoid extraction equipment;

765 (d) processing equipment;

766 (e) processing techniques; and

767 (f) sanitation and manufacturing safety procedures for items for human consumption.

768 (4) An independent cannabis testing laboratory's operating plan shall include the
769 [~~independent cannabis testing~~] laboratory's intended;

- 770 (a) cannabis and cannabis product testing capability [~~and~~];
 771 (b) cannabis and cannabis product testing equipment[~~;~~]; and
 772 (c) testing methods, standards, practices, and procedures for testing cannabis and
 773 cannabis products.

774 Section 12. Section ~~4-41a-205~~, which is renumbered from Section 4-41b-204 is
 775 renumbered and amended to read:

776 ~~[4-41b-204]~~. **4-41a-205. Number of licenses -- Cannabis cultivation**
 777 **facilities.**

778 (1) Except as [~~otherwise~~] provided in Subsection [~~(2)~~] (2)(a), the department may not
 779 issue [~~not~~] more than [~~15~~] 10 licenses to operate a cannabis cultivation [~~facilities~~] facility.

780 (2) (a) [~~After January 1, 2022, the~~] The department may issue [~~additional~~] up to five
 781 licenses to operate a cannabis cultivation [~~facilities~~] facility in addition to the 10 licenses
 782 described in Subsection (1) if the department determines, in consultation with the Department
 783 of Health and after an annual or more frequent analysis of the current and anticipated market
 784 for [~~medical~~] cannabis in a medicinal dosage form and [~~medical~~] cannabis products in a
 785 medicinal dosage form, that each additional [~~licenses are needed~~] license is necessary to
 786 provide an adequate supply, quality, or variety of [~~medical~~] cannabis in a medicinal dosage
 787 form and [~~medical~~] cannabis products in a medicinal dosage form to medical cannabis [~~card~~
 788 holders in Utah] cardholders.

789 (b) If the recipient of one of the initial 10 licenses described in Subsection (1) ceases
 790 operations or otherwise abandons the license, the department may but is not required to grant
 791 the vacant license to another applicant based on an analysis as described in Subsection (2)(a).

792 (3) If there are more qualified applicants than [~~there are~~] the number of available
 793 licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall
 794 evaluate the applicants and award the limited number of licenses described in Subsections (1)
 795 and (2) to the applicants that best demonstrate:

796 (a) experience with establishing and successfully operating a business that involves:

797 (i) complying with a regulatory environment[~~;~~];

798 (ii) tracking inventory[~~;~~]; and

799 (iii) training, evaluating, and monitoring employees;

800 (b) an operating plan that will best ensure the safety and security of patrons and the

801 community;

802 (c) positive connections to the local community; and

803 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a
804 medicinal dosage form or cannabis products [~~for patients~~] in a medicinal dosage form.

805 (4) The department may conduct a face-to-face interview with an applicant for a
806 license that the department evaluates under Subsection (3).

807 Section 13. Section ~~4-41b-301~~, which is renumbered from Section 4-41b-301 is
808 renumbered and amended to read:

809 **Part 3. Cannabis Production Establishments Agents**

810 [~~4-41b-301~~]. **4-41a-301. Cannabis production establishment agent --**
811 **Registration.**

812 (1) An individual may not act as a cannabis production establishment agent unless the
813 department registers the individual [~~is registered by the department~~] as a cannabis production
814 establishment agent.

815 (2) [~~A physician~~] The following individuals, regardless of the individual's status as a
816 qualified medical provider, may not serve as a cannabis production establishment agent[-], have
817 a financial or voting interest of 2% or greater in a cannabis production establishment, or have
818 the power to direct or cause the management or control of a cannabis production establishment:

819 (a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

820 (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
821 Practice Act; or

822 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
823 58, Chapter 68, Utah Osteopathic Medical Practice Act.

824 (3) An independent cannabis testing laboratory agent may not act as an agent for a
825 medical cannabis [dispensary] pharmacy, the state central fill medical cannabis pharmacy, a
826 cannabis processing facility, or a cannabis cultivation facility.

827 (4) (a) The department shall, within 15 business days after [receiving] the day on which
828 the department receives a complete application from a cannabis production establishment on
829 behalf of a prospective cannabis production establishment agent, register and issue a cannabis
830 production establishment agent registration card to [~~an individual who~~] the prospective agent if
831 the cannabis production establishment:

832 ~~[(a)]~~ (i) provides to the department:

833 (A) the ~~[individual's]~~ prospective agent's name and address ~~[and]~~;

834 (B) the name and location of a licensed cannabis production establishment where the

835 ~~[individual]~~ prospective agent will act as the cannabis production establishment's agent; and

836 (C) the submission required under Subsection (4)(b); and

837 ~~[(b)]~~ (ii) pays a fee to the department~~[-]~~ in an amount ~~[determined by]~~ that, subject to

838 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504~~[- that is~~

839 ~~necessary to cover the department's cost to implement this part]~~.

840 (b) Each prospective agent described in Subsection (4)(a) shall:

841 (i) submit to the department:

842 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

843 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

844 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

845 Generation Identification System's Rap Back Service; and

846 (ii) consent to a fingerprint background check by:

847 (A) the Bureau of Criminal Identification; and

848 (B) the Federal Bureau of Investigation.

849 (c) The Bureau of Criminal Identification shall:

850 (i) check the fingerprints the prospective agent submits under Subsection (4)(b) against

851 the applicable state, regional, and national criminal records databases, including the Federal

852 Bureau of Investigation Next Generation Identification System;

853 (ii) report the results of the background check to the department;

854 (iii) maintain a separate file of fingerprints that prospective agents submit under

855 Subsection (4)(b) for search by future submissions to the local and regional criminal records

856 databases, including latent prints;

857 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

858 Generation Identification System's Rap Back Service for search by future submissions to

859 national criminal records databases, including the Next Generation Identification System and

860 latent prints; and

861 (v) establish a privacy risk mitigation strategy to ensure that the department only

862 receives notifications for an individual with whom the department maintains an authorizing

863 relationship.

864 (d) The department shall:

865 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an
866 amount that the department sets in accordance with Section 63J-1-504 for the services that the
867 Bureau of Criminal Identification or another authorized agency provides under this section; and

868 (ii) remit the fee described in Subsection (4)(d) to the Bureau of Criminal
869 Identification.

870 (5) The department shall designate, on an individual's cannabis production
871 establishment agent registration card:

872 (a) the name of the cannabis production establishment where the individual is
873 registered as an agent; and

874 (b) the type of cannabis production establishment for which the individual is
875 authorized to act as an agent.

876 (6) A cannabis production establishment agent shall comply with:

877 (a) a certification standard [~~developed by~~] that the department develops; or

878 (b) [~~with a third party~~] a third-party certification standard [~~designated by~~] that the
879 department designates by rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah
880 Administrative Rulemaking Act.

881 (7) The department shall ensure that the certification standard described in Subsection

882 (6) [~~shall include~~] includes training:

883 (a) in Utah medical cannabis law;

884 (b) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

885 (c) for a cannabis processing facility agent, in cannabis processing, [~~food~~]

886 manufacturing safety procedures for items for human consumption, and sanitation best
887 practices; and

888 (d) for an independent cannabis testing laboratory agent, in cannabis testing best
889 practices.

890 (8) [~~The department may revoke or refuse to issue the~~] For an individual who holds or
891 applies for a cannabis production establishment agent registration card [~~of an individual who~~]:

892 (a) the department may revoke or refuse to issue the card if the individual violates the
893 requirements of this chapter; [or] and

894 (b) the department shall revoke or refuse to issue the card if the individual is convicted
895 [of an offense that is a felony] under state or federal law of:

896 (i) a felony; or

897 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

898 (9) (a) A cannabis production establishment agent registration card expires two years
899 after the day on which the department issues the card.

900 (b) A cannabis production establishment agent may renew the agent's registration card
901 if the agent:

902 (i) is eligible for a cannabis production establishment registration card under this
903 section;

904 (ii) certifies to the department in a renewal application that the information in
905 Subsection (4)(a) is accurate or updates the information; and

906 (iii) pays to the department a renewal fee in an amount that:

907 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section
908 63J-1-504; and

909 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
910 comparison to the original application process.

911 Section 14. Section **4-41a-302**, which is renumbered from Section 4-41b-303 is
912 renumbered and amended to read:

913 ~~[4-41b-303].~~ **4-41a-302. Cannabis production establishment agent**
914 **registration card -- Rebuttable presumption.**

915 (1) A cannabis production establishment agent ~~[who is registered with]~~ whom the
916 department registers under Section ~~[4-41b-301]~~ 4-41a-301 shall carry the individual's cannabis
917 production establishment agent registration card with the ~~[individual]~~ agent at all times when:

918 (a) the ~~[individual]~~ agent is on the premises of a cannabis production establishment
919 where the ~~[individual]~~ agent is ~~[a cannabis production establishment agent]~~ registered; ~~[and]~~

920 (b) the ~~[individual]~~ agent is transporting cannabis in a medicinal dosage form, a
921 cannabis product in a medicinal dosage form, or a medical cannabis device between:

922 (i) two cannabis production establishments; or [between]

923 (ii) a cannabis production establishment and;

924 (A) a medical cannabis [dispensary] pharmacy; or

925 (B) the state central fill medical cannabis pharmacy; and

926 (c) if the cannabis production establishment agent is an agent of a cannabis cultivating
 927 facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an
 928 independent cannabis testing laboratory.

929 (2) If [~~an individual~~] a cannabis processing facility agent possesses cannabis in a
 930 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
 931 device and produces the registration card in the agent's possession in compliance with
 932 Subsection (1) while handling, at a cannabis production establishment, or transporting the
 933 cannabis, [~~a~~] cannabis product, or [~~a~~] medical cannabis device [~~at a cannabis production~~
 934 establishment, or transporting cannabis, a cannabis product, or a medical cannabis device;
 935 possesses the cannabis, cannabis product, or medical cannabis device] in compliance with
 936 Subsection (1):

937 (a) there is a rebuttable presumption that the [~~individual~~] agent possesses the cannabis,
 938 cannabis product, or medical cannabis device legally; and

939 (b) a law enforcement officer does not have probable cause, based solely on the
 940 [~~individual's~~] agent's possession of the cannabis, cannabis product, or medical cannabis device
 941 in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.

942 (3) (a) [~~An individual~~] A cannabis production establishment agent who [~~violates~~] fails
 943 to carry the agent's cannabis production establishment agent registration card in accordance
 944 with Subsection (1) is:

945 (i) for a first or second offense in a two-year period:

946 [~~(a)~~] (A) guilty of an infraction; and

947 [~~(b)~~] (B) [~~is~~] subject to a \$100 fine[-]; or

948 (ii) for a third or subsequent offense in a two-year period:

949 (A) guilty of a class C misdemeanor; and

950 (B) subject to a \$750 fine.

951 (b) (i) The prosecuting entity shall notify the department and the relevant cannabis
 952 production establishment of each conviction under Subsection (3)(a).

953 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
 954 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine
 955 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah

956 Administrative Rulemaking Act.

957 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
958 guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
959 underlying the violation described in Subsection (3)(a).

960 Section 15. Section ~~4-41a-401~~, which is renumbered from Section 4-41b-401 is
961 renumbered and amended to read:

962 **Part 4. General Cannabis Production Establishment Operating Requirements**
963 ~~[4-41b-401]~~. **4-41a-401. Cannabis production establishment -- General**
964 **operating requirements.**

965 (1) (a) A cannabis production establishment shall operate in accordance with the
966 operating plan [~~provided to the department under Section 4-41b-203~~] described in Sections
967 4-41a-201 and 4-41a-204.

968 (b) A cannabis production establishment shall notify the department before a change in
969 the cannabis production establishment's operating plan.

970 (c) (i) If a cannabis production establishment changes the cannabis production
971 establishment's operating plan, the establishment shall ensure that the new operating plan
972 complies with this chapter.

973 (ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
974 Utah Administrative Rulemaking Act, a process to:

975 (A) review a change notification described in Subsection (1)(b);

976 (B) identify for the cannabis production establishment each point of noncompliance
977 between the new operating plan and this chapter;

978 (C) provide an opportunity for the cannabis production establishment to address each
979 identified point of noncompliance; and

980 (D) suspend or revoke a license if the cannabis production establishment fails to cure
981 the noncompliance.

982 (2) A cannabis production establishment shall operate:

983 (a) except as provided in Subsection (5), in a facility that is accessible only by an
984 individual with a valid cannabis production establishment agent registration card issued under
985 Section [~~4-41b-301~~] 4-41a-301; and

986 (b) at the physical address provided to the department under Section [~~4-41b-201~~]

987 4-41a-201.

988 (3) A cannabis production establishment may not employ ~~[any person]~~ an individual
989 who is younger than 21 years ~~[of age]~~ old.

990 (4) A cannabis production establishment ~~[shall conduct a background check into the~~
991 ~~criminal history of every person who will become an agent of the cannabis production~~
992 ~~establishment and]~~ may not employ ~~[any person]~~ an individual who has been convicted, ~~[of an~~
993 ~~offense that is a felony]~~ under ~~[either]~~ state or federal law~~[-],~~ of:

994 (a) a felony; or

995 (b) after the effective date of this bill, a misdemeanor for drug distribution.

996 (5) A cannabis production establishment may authorize an individual who is at least 18
997 years old and is not a cannabis production establishment agent to access the cannabis
998 production establishment if the cannabis production establishment:

999 (a) tracks and monitors the individual at all times while the individual is at the
1000 cannabis production establishment; and

1001 (b) maintains a record of the individual's access, including arrival and departure.

1002 (6) A cannabis production establishment shall operate in a facility that has:

1003 (a) a single, secure public entrance;

1004 (b) a security system with a backup power source that:

1005 (i) detects and records entry into the cannabis production establishment; and

1006 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis
1007 production establishment is closed; and

1008 (c) a lock or equivalent restrictive security feature on any area where the cannabis
1009 production establishment stores cannabis or a cannabis product.

1010 Section 16. Section **4-41a-402**, which is renumbered from Section 4-41b-402 is
1011 renumbered and amended to read:

1012 ~~[4-41b-402].~~ **4-41a-402. Inspections.**

1013 (1) The department may inspect the records and facility of a cannabis production
1014 establishment at any time ~~[in order]~~ during business hours to determine if the cannabis
1015 production establishment complies with ~~[the requirements of]~~ this chapter.

1016 (2) (a) An inspection under this section may include:

1017 (i) inspection of a site, facility, vehicle, book, record, paper, document, data, and other

1018 physical or electronic information;

1019 (ii) questioning of any relevant individual;

1020 (iii) observation of an independent cannabis testing laboratory's methods, standards,
1021 practices, and procedures;

1022 (iv) the taking of a specimen of cannabis or cannabis products sufficient for testing
1023 purposes; or

1024 (v) inspection of equipment, an instrument, a tool, or machinery, including a container
1025 or label.

1026 (b) Notwithstanding Section 4-41a-404, an authorized department employee may
1027 possess and transport a specimen of cannabis or cannabis products for testing described in
1028 Subsection (2)(a).

1029 (3) In making an inspection under this section, the department may freely access any
1030 area and review and make copies of a book, record, paper, document, data, or other physical or
1031 electronic information, including financial data, sales data, shipping data, pricing data, and
1032 employee data.

1033 (4) Failure to provide the department or the department's authorized agents immediate
1034 access to records and facilities during business hours in accordance with this section may result
1035 in:

1036 (a) the imposition of a civil monetary penalty that the department sets in accordance
1037 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1038 (b) license or registration suspension or revocation; or

1039 (c) an immediate cessation of operations under a cease and desist order that the
1040 department issues.

1041 Section 17. Section **4-41a-403**, which is renumbered from Section 4-41b-403 is
1042 renumbered and amended to read:

1043 ~~[4-41b-403].~~ **4-41a-403. Advertising.**

1044 (1) A cannabis production establishment may not advertise to the general public in any
1045 medium.

1046 (2) Notwithstanding Subsection (1), a cannabis production establishment may advertise
1047 an employment [opportunities] opportunity at the cannabis production facility.

1048 Section 18. Section **4-41a-404**, which is renumbered from Section 4-41b-404 is

1049 renumbered and amended to read:

1050 ~~[4-41b-404].~~ 4-41a-404. Cannabis, cannabis product, or medical cannabis
 1051 device transportation.

1052 (1) ~~[Except for an individual with a valid medical cannabis card pursuant to Title 26,~~
 1053 ~~Chapter 60b, Medical Cannabis Act, an individual]~~

1054 (a) Only the following individuals may ~~[not]~~ transport cannabis in a medicinal dosage
 1055 form, a cannabis product in a medicinal dosage form, or a medical cannabis device ~~[unless the~~
 1056 ~~individual is]~~ under this chapter:

1057 ~~[(a)]~~ (i) a registered cannabis production establishment agent; or

1058 ~~[(b)]~~ (ii) ~~[a registered cannabis dispensary agent.]~~ a medical cannabis cardholder who is
 1059 transporting a medical cannabis treatment that the cardholder is authorized to possess under
 1060 this chapter.

1061 (b) Only an agent of a cannabis cultivating facility, when the agent is transporting
 1062 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,
 1063 may transport unprocessed cannabis outside of a medicinal dosage form.

1064 (2) Except for an individual with a valid medical cannabis card ~~[pursuant to]~~ under
 1065 Title 26, Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act, ~~[an individual]~~ who is transporting
 1066 ~~[cannabis, a cannabis product, or]~~ a medical cannabis ~~[device]~~ treatment shall possess a
 1067 transportation manifest that:

1068 (a) includes a unique identifier that links the cannabis, cannabis product, or medical
 1069 cannabis device to a relevant inventory control system;

1070 (b) includes origin and destination information for any cannabis, cannabis product, or
 1071 medical cannabis device that the individual is transporting; and

1072 (c) ~~[indicates]~~ identifies the departure and arrival times and locations of the individual
 1073 transporting the cannabis, cannabis product, or medical cannabis device.

1074 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
 1075 establish~~;~~ by rule ~~[made]~~, in accordance with Title 63G, Chapter 3, Utah Administrative
 1076 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a
 1077 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that ~~[are~~
 1078 ~~related to safety for human]~~ the cannabis ~~[or]~~, cannabis product ~~[consumption.]~~, or medical
 1079 cannabis device remains safe for human consumption.

1080 (b) The transportation described in Subsection (3)(a) is limited to transportation:

1081 (i) between a cannabis cultivation facility and:

1082 (A) another cannabis cultivation facility; or

1083 (B) a cannabis processing facility; and

1084 (ii) between a cannabis processing facility and:

1085 (A) another cannabis processing facility;

1086 (B) an independent cannabis testing laboratory; or

1087 (C) a medical cannabis pharmacy.

1088 (4) (a) [An individual who transports cannabis, a cannabis product, or a medical

1089 cannabis device] It is unlawful for a registered cannabis production establishment agent to

1090 make a transport described in this section with a manifest that does not meet the requirements

1091 of this section [is:].

1092 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

1093 [~~(a)~~] (i) guilty of an infraction; and

1094 [~~(b)~~] (ii) subject to a \$100 fine.

1095 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not

1096 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

1097 underlying the violation described in Subsection (4)(b).

1098 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis

1099 product, or medical cannabis devices than the manifest identifies, except for a de minimis

1100 administrative error:

1101 (i) the penalty described in Subsection (4)(b) does not apply; and

1102 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled

1103 Substances Act.

1104 (5) Nothing in this section prevents the department from taking administrative

1105 enforcement action against a cannabis production establishment or another person for failing to

1106 make a transport in compliance with the requirements of this section.

1107 Section 19. Section **4-41a-405** is enacted to read:

1108 **4-41a-405. Excess and disposal.**

1109 (1) As used in this section, "medical cannabis waste" means waste and unused material

1110 from the cultivation and production of medical cannabis.

1111 (2) A cannabis production establishment shall:

1112 (a) render medical cannabis waste unusable and unrecognizable before transporting the
1113 medical cannabis waste from the cannabis production establishment; and

1114 (b) dispose of medical cannabis waste in accordance with:

1115 (i) federal and state laws, rules, and regulations related to hazardous waste;

1116 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1117 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1118 (iv) other regulations that the department makes in accordance with Title 63G, Chapter
1119 3, Utah Administrative Rulemaking Act.

1120 (3) An individual may not transport or dispose of medical cannabis waste other than as
1121 provided in this section.

1122 Section 20. Section ~~4-41a-406~~, which is renumbered from Section 4-41b-405 is
1123 renumbered and amended to read:

1124 ~~[4-41b-405].~~ **4-41a-406. Local control.**

1125 (1) ~~[A municipality or county may not enact a zoning ordinance that prohibits a~~
1126 ~~cannabis production establishment from operating in a location within the municipality's or~~
1127 ~~county's jurisdiction on the sole basis that the cannabis production establishment possesses,~~
1128 ~~grows, manufactures, or sells cannabis.]~~

1129 (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the
1130 municipality or county shall ensure that the ordinances allow for cannabis production
1131 establishments in at least one type of industrial zone.

1132 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone,
1133 the municipality or county shall ensure that the ordinances allow for cannabis production
1134 establishments in at least one type of agricultural zone.

1135 (2) (a) A municipality or county may not deny or revoke a land use permit [or license]
1136 to operate a cannabis production facility on the sole basis that the applicant or cannabis
1137 production establishment violates [a] federal law [of] regarding the [United States] legal status
1138 of cannabis.

1139 (b) A municipality or county may not deny or revoke a business license to operate a
1140 cannabis production facility on the sole basis that the applicant or cannabis production
1141 establishment violates federal law regarding the legal status of cannabis.

1142 Section 21. Section ~~4-41a-501~~, which is renumbered from Section 4-41b-501 is
1143 renumbered and amended to read:

1144 **Part 5. Cannabis Cultivation Facility Operating Requirements.**

1145 ~~[4-41b-501].~~ 4-41a-501. Cannabis cultivation facility -- Operating
1146 **requirements.**

1147 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the
1148 cannabis cultivation facility is not visible ~~[at]~~ from the ground level of the cannabis cultivation
1149 facility perimeter.

1150 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
1151 cannabis cultivation facility's inventory control system ~~[for]~~ to identify:

1152 (a) beginning at the time a cannabis plant is ~~[8]~~ eight inches tall and has a root ball,
1153 each cannabis plant;

1154 (b) each unique harvest of cannabis plants;

1155 (c) each batch of cannabis ~~[transferred]~~ the facility transfers to a medical cannabis
1156 [dispensary] pharmacy, the state central fill medical cannabis pharmacy, a cannabis processing
1157 facility, or an independent cannabis testing laboratory; and

1158 (d) ~~[disposal of]~~ any excess, contaminated, or deteriorated cannabis of which the
1159 cannabis cultivation facility disposes.

1160 Section 22. Section ~~4-41a-502~~, which is renumbered from Section 4-41b-502 is
1161 renumbered and amended to read:

1162 ~~[4-41b-502].~~ 4-41a-502. Cannabis -- Labeling and child-resistant
1163 **packaging.**

1164 For any cannabis that a cannabis cultivation facility cultivates or otherwise produces
1165 and subsequently ships to another cannabis production establishment, the facility shall:

1166 (1) ~~[Cannabis shall have a]~~ label the cannabis with a label that ~~[(a)]~~ has a unique batch
1167 identification number that is connected to the inventory control system; and ~~[(b) does not~~
1168 ~~display images, words, or phrases that are intended to appeal to children.~~ ~~(2) A cannabis~~
1169 ~~cultivation facility shall]~~

1170 (2) package the cannabis in a container that is:

1171 (a) ~~[is]~~ tamper evident; and

1172 (b) ~~[is]~~ not appealing to children, ~~[or similar to a candy container;]~~

1173 ~~[(e) is opaque; and]~~
 1174 ~~[(d) complies with child-resistant effectiveness standards established by the United~~
 1175 ~~States Consumer Product Safety Commission.]~~

1176 Section 23. Section **4-41a-601**, which is renumbered from Section 4-41b-601 is
 1177 renumbered and amended to read:

1178 **Part 6. Cannabis Processing Facility Operating Requirements.**

1179 ~~[4-41b-601].~~ **4-41a-601. Cannabis processing facility -- Operating**
 1180 **requirements -- General.**

1181 ~~[(1)]~~ A cannabis processing facility shall ensure that a cannabis product ~~[sold by]~~ the
 1182 cannabis processing facility sells complies with the requirements of this part.

1183 ~~[(2) If a cannabis processing facility extracts cannabinoids from cannabis using a~~
 1184 ~~hydrocarbon process, the cannabis processing facility shall extract the cannabinoids under a~~
 1185 ~~blast hood and shall use a system to reclaim solvents.]~~

1186 Section 24. Section **4-41a-602**, which is renumbered from Section 4-41b-602 is
 1187 renumbered and amended to read:

1188 ~~[4-41b-602].~~ **4-41a-602. Cannabis product -- Labeling and child-resistant**
 1189 **packaging.**

1190 (1) ~~[(A)]~~ For any cannabis product that a cannabis processing facility processes or
 1191 produces, the facility shall [have a]:

1192 (a) label the cannabis product with a label that:

1193 ~~[(a)]~~ (i) clearly and unambiguously states that the cannabis product contains cannabis;

1194 ~~[(b)]~~ (ii) clearly displays the amount of total composite tetrahydrocannabinol and
 1195 cannabidiol in the ~~[cannabis product]~~ labeled container;

1196 ~~[(c)]~~ (iii) has a unique identification number that:

1197 ~~[(i)]~~ (A) is connected to the inventory control system; and

1198 ~~[(ii)]~~ (B) identifies the unique cannabis product manufacturing process ~~[by which]~~ the
 1199 cannabis processing facility used to manufacture the cannabis product ~~[was manufactured];~~

1200 ~~[(d)]~~ (iv) identifies the cannabinoid extraction process that the cannabis processing
 1201 facility used to create the cannabis product;

1202 ~~[(e)]~~ (v) does not display ~~[images, words, or phrases]~~ an image, word, or phrase that
 1203 ~~[are intended to appeal]~~ the facility knows or should know appeals to children; and

1204 ~~[(f)]~~ (vi) discloses ~~[ingredients]~~ each active or potentially active ingredient, in order of
1205 prominence, and possible ~~[allergens:]~~ allergen; and

1206 ~~[(2)]~~ (b) ~~[A cannabis processing facility shall]~~ package ~~[a]~~ the cannabis product in a
1207 medicinal dosage form in a container that:

1208 ~~[(a)]~~ (i) except for a blister pack, is tamper evident and tamper resistant;

1209 ~~[(b)]~~ (ii) does not appeal to children;

1210 ~~[(iii)]~~ ~~[is not appealing to children or similar to]~~ does not mimic a candy container;

1211 ~~[(c)]~~ (iv) except for a blister pack, is opaque; ~~[and]~~

1212 ~~[(d)]~~ (v) complies with child-resistant effectiveness standards ~~[established by]~~ that the
1213 United States Consumer Product Safety Commission~~[-]~~ establishes; and

1214 (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating
1215 effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP
1216 OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed
1217 by a qualified medical provider."

1218 (2) For any cannabis or cannabis product that the cannabis processing facility processes
1219 into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
1220 cuboid shape, the facility shall:

1221 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
1222 other image of the content of the container; and

1223 (b) include on the label described in Subsection (1)(a) a warning about the risks of
1224 over-consumption.

1225 (3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
1226 Administrative Rulemaking Act, establishing a standard labeling format that:

1227 (a) complies with the requirements of this section; and

1228 (b) ensures inclusion of a pharmacy label.

1229 Section 25. Section ~~4-41a-603~~, which is renumbered from Section 4-41b-603 is
1230 renumbered and amended to read:

1231 ~~[4-41b-603].~~ **4-41a-603. Cannabis product -- Product quality.**

1232 (1) A cannabis processing facility may not produce a cannabis product in a physical
1233 form that:

1234 (a) ~~[is intended to appeal]~~ the facility knows or should know appeals to children; ~~[or]~~

1235 (b) is designed to mimic or could be mistaken for ~~[an existing]~~ a candy product~~[-]; or~~

1236 (c) for a product used in vaporization, includes a candy-like flavor or another flavor

1237 that the facility knows or should know appeals to children.

1238 ~~[(2) A cannabis processing facility may not manufacture a cannabis product by~~

1239 ~~applying a cannabis agent only to the surface of a pre-manufactured food product that is not~~

1240 ~~produced by the cannabis processing facility.]~~

1241 ~~[(3)]~~ (2) A cannabis product may vary in the cannabis product's labeled [~~cannabis~~]

1242 cannabinoid profile by up to ~~[+5%]~~ 10% of the indicated amount of a given cannabinoid, by

1243 weight.

1244 ~~[(4)]~~ (3) The department shall adopt~~[-]~~ by rule [~~made~~], in accordance with Title 63G,

1245 Chapter 3, Utah Administrative Rulemaking Act, human safety standards for [~~manufacture~~] the

1246 manufacturing of cannabis products that are consistent~~[-to the extent possible;-]~~ with [~~rules for~~

1247 ~~similar products that do not contain~~] best practices for the use of cannabis.

1248 Section 26. Section ~~4-41a-701~~, which is renumbered from Section 4-41b-701 is

1249 renumbered and amended to read:

1250 **Part 7. Independent Cannabis Testing Laboratories.**

1251 ~~[4-41b-701].~~ **4-41a-701. Cannabis and cannabis product testing.**

1252 (1) ~~[No]~~ A medical cannabis pharmacy and the state central fill medical cannabis

1253 pharmacy may not offer any cannabis or cannabis product ~~[may be offered]~~ for sale [~~at a~~

1254 ~~cannabis dispensary]~~ unless an independent cannabis testing laboratory has tested a

1255 representative sample of the cannabis or cannabis product [~~has been tested by an independent~~

1256 ~~cannabis testing laboratory]~~ to determine:

1257 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the

1258 cannabis or cannabis product; and

1259 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the

1260 label claims the cannabis or cannabis product contains;

1261 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial

1262 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for

1263 human consumption; and

1264 (c) for a cannabis product that is manufactured using a process that involves extraction

1265 using hydrocarbons, that the cannabis product does not contain [~~an unhealthy]~~ a level of a

1266 residual solvent that is not safe for human consumption.

1267 (2) [~~The department may determine, by~~] By rule [made], in accordance with Title 63G,
1268 Chapter 3, Utah Administrative Rulemaking Act, the department:

1269 (i) may determine the amount of [~~a~~] any substance described in [~~Subsection (1)]~~
1270 Subsections (1)(b) and (c) that is safe for human consumption[-]; and

1271 (ii) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis
1272 production establishment.

1273 (3) The department may require testing for a toxin if:

1274 (a) the department receives information indicating the potential presence of a toxin; or

1275 (b) the department's inspector has reason to believe a toxin may be present based on the
1276 inspection of a facility.

1277 (4) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1278 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the
1279 testing of cannabis and cannabis products by independent cannabis testing laboratories.

1280 (5) The department may require an independent cannabis testing laboratory to
1281 participate in a proficiency evaluation that the department conducts or that an organization that
1282 the department approves conducts.

1283 Section 27. Section ~~4-41a-702~~, which is renumbered from Section 4-41b-702 is
1284 renumbered and amended to read:

1285 [~~4-41b-702~~]. **4-41a-702. Reporting -- Inspections -- Seizure by the**
1286 **department.**

1287 (1) If an independent cannabis testing laboratory determines that the results of a lab test
1288 indicate that a cannabis or cannabis product batch may be unsafe for human [~~consumption, the~~
1289 ~~independent cannabis testing laboratory shall~~] use:

1290 (a) the independent cannabis testing laboratory shall:

1291 [~~(a)~~] (i) report the results and the cannabis or cannabis product batch to:

1292 [~~(i)~~] (A) the department; and

1293 [~~(ii)~~] (B) the cannabis production establishment that prepared the cannabis or cannabis
1294 product batch; and

1295 [~~(b)~~] (ii) retain possession of the cannabis or cannabis product batch for [~~one week~~]
1296 two weeks in order to investigate the cause of the defective batch and to make a determination;

1297 and

1298 ~~[(c)]~~ (b) ~~[allow]~~ the cannabis production establishment that prepared the cannabis or
 1299 cannabis product batch ~~[to]~~ may appeal the determination described in Subsection ~~[(1)(b)]~~
 1300 (1)(a)(ii) to the department.

1301 (2) If ~~[, under Subsection (1)(b),]~~ the department determines, under Subsection (1)(a)(ii)
 1302 or following an appeal under Subsection (1)(b), that a cannabis or cannabis product prepared
 1303 by a cannabis production establishment is unsafe for human consumption, the department may
 1304 seize, embargo, or destroy, in the same manner as a cannabis production establishment under
 1305 Section 4-41a-405, the cannabis or cannabis product batch.

1306 (3) If an independent cannabis testing laboratory determines that the results of a lab test
 1307 indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more
 1308 than 10% from the amounts the label indicates, the cannabis processing facility may not sell the
 1309 cannabis or cannabis product batch unless the facility replaces the incorrect label with a label
 1310 that correctly indicates the cannabinoid content.

1311 Section 28. Section **4-41a-801**, which is renumbered from Section 4-41b-801 is
 1312 renumbered and amended to read:

1313 ~~[4-41b-801].~~ **4-41a-801. Enforcement -- Fine -- Citation.**

1314 (1) ~~[The department may, for a violation of this chapter by]~~ If a person that is a
 1315 cannabis production establishment or a cannabis production establishment agent violates this
 1316 chapter, the department may:

1317 (a) revoke the person's license or cannabis production establishment agent registration
 1318 card;

1319 (b) ~~[refuse]~~ decline to renew the person's license or cannabis production establishment
 1320 agent registration card; or

1321 (c) assess the person an administrative penalty that the department establishes by rule
 1322 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1323 (2) The department shall deposit an administrative penalty imposed under this section
 1324 ~~[in the general fund]~~ into the General Fund.

1325 (3) (a) The department may take an action described in Subsection (3)(b) if the
 1326 department concludes, upon ~~[inspection or]~~ investigation, that, for a person that is a cannabis
 1327 production establishment or a cannabis production establishment agent:

- 1328 (i) the person has violated the provisions of this chapter, a rule made under this
1329 chapter, or an order issued under this chapter; or
- 1330 (ii) the person produced cannabis or a cannabis product batch that contains a substance,
1331 other than cannabis, that poses a significant threat to human health.
- 1332 (b) If the department makes the determination about a person described in Subsection
1333 (3)(a), the department shall:
- 1334 (i) issue the person a written administrative citation;
- 1335 (ii) attempt to negotiate a stipulated settlement;
- 1336 (iii) seize, embargo, or destroy the cannabis or cannabis product batch; [~~and~~]
- 1337 (iv) order the person to cease and desist from the action that creates a violation; and
1338 ~~[(iv)]~~ (v) direct the person to appear before an adjudicative proceeding conducted
1339 under Title 63G, Chapter 4, Administrative Procedures Act.
- 1340 (4) The department may, for a person subject to an uncontested citation, a stipulated
1341 settlement, or a finding of a violation in an adjudicative proceeding under this section~~[(a)]~~, for
1342 a fine amount not already specified in law, assess the person, who is not an individual, a fine;
1343 ~~established in accordance with Section 63J-1-504;~~ of up to \$5,000 per violation, in accordance
1344 with a fine schedule [~~established by~~] that the department establishes by rule [~~made~~] in
1345 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~[-or]~~.
- 1346 [~~(b) order the person to cease and desist from the action that creates a violation.~~]
- 1347 (5) The department may not revoke a cannabis production establishment's license
1348 without first [~~direct~~] directing the cannabis production establishment to appear before an
1349 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 1350 (6) If within 20 calendar days after the day on which a department serves a citation for
1351 a violation of this chapter, the person that is the subject of the citation fails to request a hearing
1352 to contest the citation, the citation becomes the department's final order.
- 1353 (7) The department may, for a person who fails to comply with a citation under this
1354 section:
- 1355 (a) refuse to issue or renew the person's license or cannabis production establishment
1356 agent registration card; or
- 1357 (b) suspend, revoke, or place on probation the person's license or cannabis production
1358 establishment registration card.

- 1359 (8) [~~If the department makes a final determination under this section that~~
 1360 (a) Except where a criminal penalty is expressly provided for a specific violation of
 1361 this chapter, if an individual [~~violated~~]:
 1362 (i) violates a provision of this chapter, the individual is:
 1363 (A) guilty of an infraction[;]; and
 1364 (B) subject to a \$100 fine; or
 1365 (ii) intentionally or knowingly violates a provision of this chapter or violates this
 1366 chapter three or more times, the individual is:
 1367 (A) guilty of a class B misdemeanor; and
 1368 (B) subject to a \$1,000 fine.
 1369 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not
 1370 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 1371 underlying the violation described in Subsection (8)(a).
 1372 (9) Nothing in this section prohibits the department from referring potential criminal
 1373 activity to law enforcement.
- 1374 Section 29. Section ~~4-41a-802~~, which is renumbered from Section 4-41b-802 is
 1375 renumbered and amended to read:
 1376 ~~[4-41b-802].~~ **4-41a-802. Report.**
 1377 (1) [~~The~~] At or before the November interim meeting each year, the department shall
 1378 report [~~annually~~] to the Health and Human Services Interim Committee on:
 1379 (a) the number of applications and renewal applications [~~received~~,] that the department
 1380 receives under this chapter;
 1381 (b) the number of each type of cannabis production facility [~~licensed~~] that the
 1382 department licenses in each county[;];
 1383 (c) the amount of cannabis [~~grown by~~] that licensees[;] grow;
 1384 (d) the amount of cannabis [~~manufactured~~] that licensees manufacture into cannabis
 1385 products [~~by licensees~~];
 1386 (e) the number of licenses [~~revoked~~,] the department revokes under this chapter; and
 1387 (f) the expenses incurred and revenues generated [~~from the medical cannabis program~~
 1388 under this chapter.
 1389 (2) The department may not include personally identifying information in the report

1390 described in this section.

1391 Section 30. Section **7-1-401** is amended to read:

1392 **7-1-401. Fees payable to commissioner.**

1393 (1) Except for an out-of-state depository institution with a branch in Utah, a depository
1394 institution under the jurisdiction of the department shall pay an annual fee:

1395 (a) computed by averaging the total assets of the depository institution shown on each
1396 quarterly report of condition for the depository institution for the calendar year immediately
1397 preceding the date on which the annual fee is due under Section **7-1-402**; and

1398 (b) at the following rates:

1399 (i) on the first \$5,000,000 of these assets, the greater of:

1400 (A) 65 cents per \$1,000; or

1401 (B) \$500;

1402 (ii) on the next \$10,000,000 of these assets, 35 cents per \$1,000;

1403 (iii) on the next \$35,000,000 of these assets, 15 cents per \$1,000;

1404 (iv) on the next \$50,000,000 of these assets, 12 cents per \$1,000;

1405 (v) on the next \$200,000,000 of these assets, 10 cents per \$1,000;

1406 (vi) on the next \$300,000,000 of these assets, 6 cents per \$1,000; and

1407 (vii) on all amounts over \$600,000,000 of these assets, 2 cents per \$1,000.

1408 (2) A financial institution with a trust department shall pay a fee determined in
1409 accordance with Subsection (7) for each examination of the trust department by a state
1410 examiner.

1411 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall
1412 pay a basic fee of \$25 instead of the fee required under Subsection (1).

1413 (4) A trust company that is not a depository institution or a subsidiary of a depository
1414 institution holding company shall pay:

1415 (a) an annual fee of \$500; and

1416 (b) an additional fee determined in accordance with Subsection (7) for each
1417 examination by a state examiner.

1418 (5) Any person or institution under the jurisdiction of the department that does not pay
1419 a fee under Subsections (1) through (4) shall pay:

1420 (a) an annual fee of \$200; and

1421 (b) an additional fee determined in accordance with Subsection (7) for each
1422 examination by a state examiner.

1423 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,
1424 7-1-704, 7-1-713, 7-5-3, or 7-18a-202[, or 7-26-201] shall pay:

1425 (a) (i) a filing fee of \$500 if on the day on which the application or request is filed the
1426 person:

1427 (A) is a person with authority to transact business as[:(~~H~~)] a depository institution[;
1428 (~~H~~)], a trust company[;], or [(~~H~~)] any other person described in Section 7-1-501 as being
1429 subject to the jurisdiction of the department; and

1430 (B) has total assets in an amount less than \$5,000,000; or

1431 (ii) a filing fee of \$2,500 for any person not described in Subsection (6)(a)(i); and

1432 (b) all reasonable expenses incurred in processing the application.

1433 (7) (a) Per diem assessments for an examination shall be calculated at the rate of \$55
1434 per hour:

1435 (i) for each examiner; and

1436 (ii) per hour worked.

1437 (b) For an examination of a branch or office of a financial institution located outside of
1438 this state, in addition to the per diem assessment under this Subsection (7), the institution shall
1439 pay all reasonable travel, lodging, and other expenses incurred by each examiner while
1440 conducting the examination.

1441 (8) In addition to a fee under Subsection (5), a person registering under Section
1442 7-23-201 or 7-24-201 shall pay an original registration fee of \$300.

1443 (9) In addition to a fee under Subsection (5), a person applying for licensure under
1444 Chapter 25, Money Transmitter Act, shall pay an original license fee of \$300.

1445 Section 31. Section **10-9a-104** is amended to read:

1446 **10-9a-104. Stricter requirements.**

1447 (1) Except as provided in Subsection (2), a municipality may enact [~~an ordinance~~] a
1448 land use regulation imposing stricter requirements or higher standards than are required by this
1449 chapter.

1450 (2) A municipality may not impose [~~stricter requirements or higher standards than are~~
1451 ~~required by:~~]

1452 [~~(a) Section 4-41b-405;~~]

1453 [~~(b) Section 10-9a-305;~~]

1454 [~~(c) Section 10-9a-514; and~~]

1455 [~~(d) Section 26-60b-506;~~] a requirement or standard that conflicts with a provisions of
1456 this chapter, other state law, or federal law.

1457 Section 32. Section 17-27a-104 is amended to read:

1458 **17-27a-104. Stricter requirements or higher standards.**

1459 (1) Except as provided in Subsection (2), a county may enact [~~an ordinance~~] a land use
1460 regulation imposing stricter requirements or higher standards than are required by this chapter.

1461 (2) A county may not impose [~~stricter requirements or higher standards than are~~
1462 ~~required by:~~]

1463 [~~(a) Section 4-41b-405;~~]

1464 [~~(b) Section 17-27a-305;~~]

1465 [~~(c) Section 17-27a-513; and~~]

1466 [~~(d) Section 26-60b-506;~~] a requirement or standard that conflicts with a provision of
1467 this chapter, other state law, or federal law.

1468 Section 33. Section 26-36d-101 is enacted to read:

1469 **CHAPTER 36d. HOSPITAL PROVIDER ASSESSMENT ACT.**

1470 **Part 1. General Provisions.**

1471 **26-36d-101. Title.**

1472 This chapter is known as the "Hospital Provider Assessment Act."

1473 Section 34. Section 26-36d-102 is enacted to read:

1474 **26-36d-102. Legislative findings.**

1475 (1) The Legislature finds that there is an important state purpose to improve the access
1476 of Medicaid patients to quality care in Utah hospitals because of continuous decreases in state
1477 revenues and increases in enrollment under the Utah Medicaid program.

1478 (2) The Legislature finds that in order to improve this access to those persons described
1479 in Subsection (1):

1480 (a) the rates paid to Utah hospitals shall be adequate to encourage and support
1481 improved access; and

1482 (b) adequate funding shall be provided to increase the rates paid to Utah hospitals

1483 providing services pursuant to the Utah Medicaid program.

1484 Section 35. Section **26-36d-103** is enacted to read:

1485 **26-36d-103. Definitions.**

1486 As used in this chapter:

1487 (1) "Accountable care organization" means a managed care organization, as defined in
1488 42 C.F.R. Sec. 438, that contracts with the department under the provisions of Section
1489 26-18-405.

1490 (2) "Assessment" means the Medicaid hospital provider assessment established by this
1491 chapter.

1492 (3) "Discharges" means the number of total hospital discharges reported on worksheet
1493 S-3 Part I, column 15, lines 12, 14, and 14.01 of the 2552-96 Medicare Cost Report or on
1494 Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare Cost Report for
1495 the applicable assessment year.

1496 (4) "Division" means the Division of Health Care Financing of the department.

1497 (5) "Hospital":

1498 (a) means a privately owned:

1499 (i) general acute hospital operating in the state as defined in Section 26-21-2; and

1500 (ii) specialty hospital operating in the state, which shall include a privately owned

1501 hospital whose inpatient admissions are predominantly:

1502 (A) rehabilitation;

1503 (B) psychiatric;

1504 (C) chemical dependency; or

1505 (D) long-term acute care services; and

1506 (b) does not include:

1507 (i) a human services program, as defined in Section 62A-2-101;

1508 (ii) a hospital owned by the federal government, including the Veterans Administration

1509 Hospital; or

1510 (iii) a hospital that is owned by the state government, a state agency, or a political

1511 subdivision of the state, including:

1512 (A) a state-owned teaching hospital; and

1513 (B) the Utah State Hospital.

1514 (6) "Medicare cost report" means CMS-2552-96 or CMS-2552-10, the cost report for
1515 electronic filing of hospitals.

1516 (7) "State plan amendment" means a change or update to the state Medicaid plan.

1517 Section 36. Section **26-36d-201** is enacted to read:

1518 **Part 2. Application of Chapter.**

1519 **26-36d-201. Application of chapter.**

1520 (1) Other than for the imposition of the assessment described in this chapter, nothing in
1521 this chapter shall affect the nonprofit or tax exempt status of any nonprofit charitable, religious,
1522 or educational health care provider under:

1523 (a) Section 501(c), as amended, of the Internal Revenue Code;

1524 (b) other applicable federal law;

1525 (c) any state law;

1526 (d) any ad valorem property taxes;

1527 (e) any sales or use taxes; or

1528 (f) any other taxes, fees, or assessments, whether imposed or sought to be imposed by
1529 the state or any political subdivision, county, municipality, district, authority, or any agency or
1530 department thereof.

1531 (2) All assessments paid under this chapter may be included as an allowable cost of a
1532 hospital for purposes of any applicable Medicaid reimbursement formula.

1533 (3) This chapter does not authorize a political subdivision of the state to:

1534 (a) license a hospital for revenue;

1535 (b) impose a tax or assessment upon hospitals; or

1536 (c) impose a tax or assessment measured by the income or earnings of a hospital.

1537 Section 37. Section **26-36d-202** is enacted to read:

1538 **26-36d-202. Assessment, collection, and payment of hospital provider assessment.**

1539 (1) A uniform, broad based, assessment is imposed on each hospital as defined in
1540 Subsection [26-36d-103\(5\)\(a\)](#):

1541 (a) in the amount designated in Section [26-36d-203](#); and

1542 (b) in accordance with Section [26-36d-204](#).

1543 (2) (a) The assessment imposed by this chapter is due and payable on a quarterly basis
1544 in accordance with Section [26-36d-204](#).

1545 (b) The collecting agent for this assessment is the department which is vested with the
1546 administration and enforcement of this chapter, including the right to adopt administrative rules
1547 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to:

1548 (i) implement and enforce the provisions of this act; and

1549 (ii) audit records of a facility:

1550 (A) that is subject to the assessment imposed by this chapter; and

1551 (B) does not file a Medicare cost report.

1552 (c) The department shall forward proceeds from the assessment imposed by this
1553 chapter to the state treasurer for deposit in the expendable special revenue fund as specified in
1554 Section [26-36d-207](#).

1555 (3) The department may, by rule, extend the time for paying the assessment.

1556 Section 38. Section **26-36d-203** is enacted to read:

1557 **26-36d-203. Calculation of assessment.**

1558 (1) (a) An annual assessment is payable on a quarterly basis for each hospital in an
1559 amount calculated at a uniform assessment rate for each hospital discharge, in accordance with
1560 this section.

1561 (b) The uniform assessment rate shall be determined using the total number of hospital
1562 discharges for assessed hospitals divided into the total non-federal portion in an amount
1563 consistent with Section [26-36d-205](#) that is needed to support capitated rates for accountable
1564 care organizations for purposes of hospital services provided to Medicaid enrollees.

1565 (c) Any quarterly changes to the uniform assessment rate shall be applied uniformly to
1566 all assessed hospitals.

1567 (d) The annual uniform assessment rate may not generate more than:

1568 (i) \$1,000,000 to offset Medicaid mandatory expenditures; and

1569 (ii) the non-federal share to seed amounts needed to support capitated rates for
1570 accountable care organizations as provided for in Subsection (1)(b).

1571 (2) (a) For each state fiscal year, discharges shall be determined using the data from
1572 each hospital's Medicare Cost Report contained in the Centers for Medicare and Medicaid
1573 Services' Healthcare Cost Report Information System file. The hospital's discharge data will be
1574 derived as follows:

1575 (i) for state fiscal year 2013, the hospital's cost report data for the hospital's fiscal year

1576 ending between July 1, 2009, and June 30, 2010;

1577 (ii) for state fiscal year 2014, the hospital's cost report data for the hospital's fiscal year
1578 ending between July 1, 2010, and June 30, 2011;

1579 (iii) for state fiscal year 2015, the hospital's cost report data for the hospital's fiscal year
1580 ending between July 1, 2011, and June 30, 2012;

1581 (iv) for state fiscal year 2016, the hospital's cost report data for the hospital's fiscal year
1582 ending between July 1, 2012, and June 30, 2013; and

1583 (v) for each subsequent state fiscal year, the hospital's cost report data for the hospital's
1584 fiscal year that ended in the state fiscal year two years prior to the assessment fiscal year.

1585 (b) If a hospital's fiscal year Medicare Cost Report is not contained in the Centers for
1586 Medicare and Medicaid Services' Healthcare Cost Report Information System file:

1587 (i) the hospital shall submit to the division a copy of the hospital's Medicare Cost
1588 Report applicable to the assessment year; and

1589 (ii) the division shall determine the hospital's discharges.

1590 (c) If a hospital is not certified by the Medicare program and is not required to file a
1591 Medicare Cost Report:

1592 (i) the hospital shall submit to the division its applicable fiscal year discharges with
1593 supporting documentation;

1594 (ii) the division shall determine the hospital's discharges from the information
1595 submitted under Subsection (2)(c)(i); and

1596 (iii) the failure to submit discharge information shall result in an audit of the hospital's
1597 records and a penalty equal to 5% of the calculated assessment.

1598 (3) Except as provided in Subsection (4), if a hospital is owned by an organization that
1599 owns more than one hospital in the state:

1600 (a) the assessment for each hospital shall be separately calculated by the department;
1601 and

1602 (b) each separate hospital shall pay the assessment imposed by this chapter.

1603 (4) Notwithstanding the requirement of Subsection (3), if multiple hospitals use the
1604 same Medicaid provider number:

1605 (a) the department shall calculate the assessment in the aggregate for the hospitals
1606 using the same Medicaid provider number; and

1607 (b) the hospitals may pay the assessment in the aggregate.

1608 Section 39. Section **26-36d-204** is enacted to read:

1609 **26-36d-204. Quarterly notice -- Collection.**

1610 Quarterly assessments imposed by this chapter shall be paid to the division within 15
1611 business days after the original invoice date that appears on the invoice issued by the division.

1612 Section 40. Section **26-36d-205** is enacted to read:

1613 **26-36d-205. Medicaid hospital adjustment under accountable care organization**
1614 **rates.**

1615 To preserve and improve access to hospital services, the division shall, for accountable
1616 care organization rates effective on or after April 1, 2013, incorporate an annualized amount
1617 equal to \$154,000,000 into the accountable care organization rate structure calculation
1618 consistent with the certified actuarial rate range.

1619 Section 41. Section **26-36d-206** is enacted to read:

1620 **26-36d-206. Penalties and interest.**

1621 (1) A facility that fails to pay any assessment or file a return as required under this
1622 chapter, within the time required by this chapter, shall pay, in addition to the assessment,
1623 penalties and interest established by the department.

1624 (2) (a) Consistent with Subsection (2)(b), the department shall adopt rules in
1625 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which establish
1626 reasonable penalties and interest for the violations described in Subsection (1).

1627 (b) If a hospital fails to timely pay the full amount of a quarterly assessment, the
1628 department shall add to the assessment:

1629 (i) a penalty equal to 5% of the quarterly amount not paid on or before the due date;
1630 and

1631 (ii) on the last day of each quarter after the due date until the assessed amount and the
1632 penalty imposed under Subsection (2)(b)(i) are paid in full, an additional 5% penalty on:

1633 (A) any unpaid quarterly assessment; and

1634 (B) any unpaid penalty assessment.

1635 (c) Upon making a record of its actions, and upon reasonable cause shown, the division
1636 may waive, reduce, or compromise any of the penalties imposed under this part.

1637 Section 42. Section **26-36d-207** is enacted to read:

1638 **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

1639 (1) There is created an expendable special revenue fund known as the "Hospital
1640 Provider Assessment Expendable Revenue Fund."

1641 (2) The fund shall consist of:

1642 (a) the assessments collected by the department under this chapter;

1643 (b) any interest and penalties levied with the administration of this chapter; and

1644 (c) any other funds received as donations for the fund and appropriations from other
1645 sources.

1646 (3) Money in the fund shall be used:

1647 (a) to support capitated rates consistent with Subsection [26-36d-203\(1\)\(d\)](#) for
1648 accountable care organizations; and

1649 (b) to reimburse money collected by the division from a hospital through a mistake
1650 made under this chapter.

1651 Section 43. Section **26-36d-208** is enacted to read:

1652 **26-36d-208. Repeal of assessment.**

1653 (1) The repeal of the assessment imposed by this chapter shall occur upon the
1654 certification by the executive director of the department that the sooner of the following has
1655 occurred:

1656 (a) the effective date of any action by Congress that would disqualify the assessment
1657 imposed by this chapter from counting toward state Medicaid funds available to be used to
1658 determine the federal financial participation;

1659 (b) the effective date of any decision, enactment, or other determination by the
1660 Legislature or by any court, officer, department, or agency of the state, or of the federal
1661 government that has the effect of:

1662 (i) disqualifying the assessment from counting towards state Medicaid funds available
1663 to be used to determine federal financial participation for Medicaid matching funds; or

1664 (ii) creating for any reason a failure of the state to use the assessments for the Medicaid
1665 program as described in this chapter;

1666 (c) the effective date of:

1667 (i) an appropriation for any state fiscal year from the General Fund for hospital
1668 payments under the state Medicaid program that is less than the amount appropriated for state

1669 fiscal year 2012;

1670 (ii) the annual revenues of the state General Fund budget return to the level that was
1671 appropriated for fiscal year 2008;

1672 (iii) a division change in rules that reduces any of the following below July 1, 2011
1673 payments:

1674 (A) aggregate hospital inpatient payments;

1675 (B) adjustment payment rates; or

1676 (C) any cost settlement protocol; or

1677 (iv) a division change in rules that reduces the aggregate outpatient payments below
1678 July 1, 2011 payments; and

1679 (d) the sunset of this chapter in accordance with Section [63I-1-226](#).

1680 (2) If the assessment is repealed under Subsection (1), money in the fund that was
1681 derived from assessments imposed by this chapter, before the determination made under
1682 Subsection (1), shall be disbursed under Section [26-36d-205](#) to the extent federal matching is
1683 not reduced due to the impermissibility of the assessments. Any funds remaining in the special
1684 revenue fund shall be refunded to the hospitals in proportion to the amount paid by each
1685 hospital.

1686 Section 44. Section **26-61-202** is amended to read:

1687 **26-61-202. Cannabinoid Product Board -- Duties.**

1688 (1) The board shall review any available scientific research related to the human use of
1689 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

1690 (a) was conducted under a study approved by an IRB; or

1691 (b) was conducted or approved by the federal government.

1692 (2) Based on the research described in Subsection (1), the board shall evaluate the
1693 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,
1694 including:

1695 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded
1696 cannabinoid products;

1697 (b) cannabis and cannabinoid dosage amounts and medical dosage forms; [~~and~~]

1698 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products
1699 with other treatments[-]; and

1700 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,
1701 cannabinoid products, and expanded cannabinoid products.

1702 (3) Based on the board's evaluation under Subsection (2), the board shall develop
1703 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid
1704 product that include:

1705 (a) a list of medical conditions, if any, that the board determines are appropriate for
1706 treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded
1707 cannabinoid product[-];

1708 (b) a list of contraindications, side effects, and adverse reactions that are associated
1709 with use of cannabis, cannabinoid products, or expanded cannabinoid products; and

1710 (c) a list of potential drug-drug interactions between medications that the United States
1711 Food and Drug Administration has approved and cannabis, cannabinoid products, and
1712 expanded cannabinoid products.

1713 (4) The board shall submit the guidelines described in Subsection (3) to:

1714 (a) the director of the Division of Occupational and Professional Licensing; and

1715 (b) the Health and Human Services Interim Committee.

1716 (5) The board shall report the board's findings before November 1 of each year to the
1717 Health and Human Services Interim Committee.

1718 (6) Guidelines [~~developed pursuant to~~] that the board develops under this section may
1719 not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products
1720 permitted [~~pursuant to~~] under Title 4, Chapter [41b] 41a, Cannabis Production [Establishment]
1721 Establishments, or Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act.

1722 Section 45. Section **26-61a-101**, which is renumbered from Section 26-60b-101 is
1723 renumbered and amended to read:

1724 **CHAPTER 61a. UTAH MEDICAL CANNABIS ACT.**

1725 **Part 1. General Provisions.**

1726 [~~26-60b-101~~]. **26-61a-101. Title.**

1727 This chapter is known as "Utah Medical Cannabis Act."

1728 Section 46. Section **26-61a-102**, which is renumbered from Section 26-60b-102 is
1729 renumbered and amended to read:

1730 [~~26-60b-102~~]. **26-61a-102. Definitions.**

1731 As used in this chapter:

1732 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single
1733 dose of cannabis or a cannabis product in a blister pack.

1734 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each
1735 containing no more than a single dose of cannabis or a cannabis product.

1736 ~~[(1)]~~ (3) "Cannabis" means ~~[the same as that term is defined in Section 58-37-3.9]~~
1737 marijuana.

1738 ~~[(2)]~~ (4) "Cannabis cultivation facility" means the same as that term is defined in
1739 Section ~~[4-41b-102]~~ 4-41a-102.

1740 ~~[(3)]~~ "Cannabis dispensary" means a person that:]

1741 ~~[(a) acquires or intends to acquire cannabis or a cannabis product from a cannabis~~
1742 ~~production establishment and acquires or intends to acquire a medical cannabis device;]~~

1743 ~~[(b) possesses cannabis, a cannabis product, or a medical cannabis device; and]~~

1744 ~~[(c) sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.]~~

1745 ~~[(4) "Cannabis dispensary agent" means an owner, officer, director, board member,~~
1746 ~~employee, or volunteer of a cannabis dispensary.]~~

1747 ~~[(5) "Cannabis dispensary agent registration card" means a registration card issued by~~
1748 ~~the department that authorizes an individual to act as a cannabis dispensary agent.]~~

1749 ~~[(6)]~~ (5) "Cannabis processing facility" means the same as that term is defined in
1750 Section ~~[4-41b-102]~~ 4-41a-102.

1751 ~~[(7)]~~ (6) "Cannabis product" means ~~[the same as that term is defined in Section~~
1752 ~~58-37-3.9.]~~ a product that:

1753 (a) is intended for human use; and

1754 (b) contains cannabis or tetrahydrocannabinol.

1755 ~~[(8)]~~ (7) "Cannabis production establishment agent" means the same as that term is
1756 defined in Section ~~[4-41b-102]~~ 4-41a-102.

1757 ~~[(9)]~~ (8) "Cannabis production establishment agent registration card" means the same
1758 as that term is defined in Section ~~[4-41b-102]~~ 4-41a-102.

1759 ~~[(10) "Community location" means a public or private school, a church, a public~~
1760 ~~library, a public playground, or a public park.]~~

1761 (9) "Department" means the Department of Health.

- 1762 [(H)] (10) "Designated caregiver" means an individual:
- 1763 (a) whom ~~[a patient]~~ an individual with a medical cannabis patient card or a medical
- 1764 cannabis guardian card designates as the patient's caregiver; and
- 1765 (b) who registers with the department under Section ~~[26-60b-202]~~ 26-61a-202.
- 1766 (11) "Dosing parameters" means quantity, routes, and frequency of administration for a
- 1767 recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a
- 1768 medicinal dosage form.
- 1769 (12) "Independent cannabis testing laboratory" means the same as that term is defined
- 1770 in Section ~~[4-41b-102]~~ 4-41a-102.
- 1771 (13) "Inventory control system" means the system described in Section ~~[4-41b-103]~~
- 1772 4-41a-103.
- 1773 (14) "Local health department" means the same as that term is defined in Section
- 1774 26A-1-102.
- 1775 (15) "Local health department distribution agent" means an agent designated and
- 1776 registered to distribute state central fill shipments under Sections 26-61a-606 and 26-61a-607.
- 1777 (16) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1778 (17) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
- 1779 product in a medicinal dosage form.
- 1780 [(14)] (18) "Medical cannabis card" means a medical cannabis patient card, a medical
- 1781 cannabis guardian card, or a medical cannabis caregiver card.
- 1782 (19) "Medical cannabis cardholder" means a holder of a medical cannabis card.
- 1783 (20) "Medical cannabis caregiver card" means an official card [issued by] that:
- 1784 (a) the department issues to an individual [with a qualifying illness, or the individual's]
- 1785 whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder
- 1786 designates as a designated caregiver [under this chapter, that]; and
- 1787 (b) is connected to the electronic verification system.
- 1788 [(15)] (21) (a) "Medical cannabis device" means ~~[the same as that term is defined in~~
- 1789 Section 58-37-3.9:] a device that an individual uses to ingest cannabis in a medicinal dosage
- 1790 form or a cannabis product in a medicinal dosage form.
- 1791 (b) "Medical cannabis device" does not include a device that:
- 1792 (i) facilitates cannabis combustion; or

- 1793 (ii) an individual uses to ingest substances other than cannabis.
- 1794 (22) "Medical cannabis guardian card" means an official card that:
- 1795 (a) the department issues to the parent or legal guardian of a minor with a qualifying
- 1796 condition; and
- 1797 (b) is connected to the electronic verification system.
- 1798 (23) "Medical cannabis patient card" means an official card that:
- 1799 (a) the department issues to an individual with a qualifying condition; and
- 1800 (b) is connected to the electronic verification system.
- 1801 (24) "Medical cannabis pharmacy" means a person that:
- 1802 (a) (i) acquires or intends to acquire:
- 1803 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
- 1804 form from a cannabis processing facility; or
- 1805 (B) a medical cannabis device; or
- 1806 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
- 1807 dosage form, or a medical cannabis device; and
- 1808 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a
- 1809 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.
- 1810 (25) "Medical cannabis pharmacy agent" means an individual who:
- 1811 (a) is an employee of a medical cannabis pharmacy; and
- 1812 (b) who holds a valid medical cannabis pharmacy agent registration card.
- 1813 (26) "Medical cannabis pharmacy agent registration card" means a registration card
- 1814 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
- 1815 agent.
- 1816 (27) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
- 1817 cannabis product in a medicinal dosage form, or a medical cannabis device.
- 1818 ~~[(16) "Medical Cannabis Restricted Account" means the account created in Section~~
- 1819 ~~26-60b-109:]~~
- 1820 (28) (a) "Medicinal dosage form" means:
- 1821 (i) for processed medical cannabis or a medical cannabis product, the following in
- 1822 single dosage form with a specific and consistent cannabinoid content:
- 1823 (A) a tablet;

- 1824 (B) a capsule;
- 1825 (C) a concentrated oil;
- 1826 (D) a liquid suspension;
- 1827 (E) a topical preparation;
- 1828 (F) a transdermal preparation;
- 1829 (G) a sublingual preparation;
- 1830 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
- 1831 rectangular cuboid shape; or
- 1832 (I) for use only after the individual's qualifying condition has failed to substantially
- 1833 respond to at least two other forms described in this Subsection (28)(a)(i), a resin or wax;
- 1834 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:
- 1835 (A) containing a specific and consistent weight that does not exceed one gram and that
- 1836 varies by no more than 10% from the stated weight; and
- 1837 (B) labeled with a barcode that provides information connected to an inventory control
- 1838 system and the individual blister's content and weight; and
- 1839 (iii) a form measured in grams, milligrams, or milliliters.
- 1840 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1841 (i) the medical cannabis cardholder has recently removed from the blister pack
- 1842 described in Subsection (28)(a)(ii) for use; and
- 1843 (ii) does not exceed the quantity described in Subsection (28)(a)(ii).
- 1844 (c) "Medicinal dosage form" does not include:
- 1845 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in
- 1846 Subsection (28)(b); or
- 1847 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
- 1848 on a nail or other metal object that is heated by a flame, including a blowtorch.
- 1849 (29) "Pharmacy medical provider" means the medical provider required to be on site at
- 1850 a medical cannabis pharmacy under Section [26-61a-403](#).
- 1851 (30) "Provisional patient card" means a card that:
- 1852 (a) the department issues to a minor with a qualifying condition for whom:
- 1853 (i) a qualified medical provider has recommended a medical cannabis treatment; and
- 1854 (ii) the department issues a medical cannabis guardian card to the minor's parent or

1855 legal guardian; and

1856 (b) is connected to the electronic verification system.

1857 ~~[(17)]~~ (31) ~~["Physician"]~~ "Qualified medical provider" means an individual who is
1858 qualified to recommend treatment with cannabis in a medicinal dosage form under Section
1859 ~~[26-60b-107]~~ 26-61a-106.

1860 (32) "Qualified Distribution Enterprise Account" means the enterprise account created
1861 in Section 26-61a-110.

1862 (33) "Qualified Patient Enterprise Account" means the enterprise account created in
1863 Section 26-61a-109.

1864 ~~[(18)]~~ (34) "Qualifying [illness] condition" means a condition described in Section
1865 ~~[26-60b-105]~~ 26-61a-104.

1866 (35) "State central fill agent" means an employee of the state central fill medical
1867 cannabis pharmacy that the department registers in accordance with Section 26-61a-602.

1868 (36) "State central fill medical cannabis pharmacy" means the central fill pharmacy that
1869 the department creates in accordance with Section 26-61a-601.

1870 (37) "State central fill medical provider" means a physician or pharmacist that the state
1871 central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders
1872 in accordance with Section 26-61a-601.

1873 (38) "State central fill shipment" means a shipment of cannabis in a medicinal dosage
1874 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state
1875 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis
1876 cardholder in a local health department.

1877 ~~[(19)]~~ (39) "State electronic verification system" means the system described in Section
1878 ~~[26-60b-103]~~ 26-61a-103.

1879 Section 47. Section **26-61a-103**, which is renumbered from Section 26-60b-103 is
1880 renumbered and amended to read:

1881 ~~[26-60b-103].~~ **26-61a-103. Electronic verification system.**

1882 (1) The Department of Agriculture and Food, the ~~[Department of Health]~~ department,
1883 the Department of Public Safety, and the Department of Technology Services shall:

1884 (a) enter into a memorandum of understanding in order to determine the function and
1885 operation of ~~[an]~~ the state electronic verification system in accordance with Subsection (2);

1886 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1887 Procurement Code, to develop a request for proposals for a third-party provider to develop and
1888 maintain ~~[an]~~ the state electronic verification system in coordination with the Department of
1889 Technology Services; and

1890 (c) select a third-party provider ~~[described in]~~ who meets the requirements contained in
1891 the request for proposals issued under Subsection (1)(b).

1892 (2) The Department of Agriculture and Food, the department, the Department of Public
1893 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
1894 2020, the state electronic verification system described in Subsection (1) [shall]:

1895 (a) ~~[allow]~~ allows an individual, with the individual's ~~[physician]~~ qualified medical
1896 provider in the [physician's] qualified medical provider's office, to apply for a medical cannabis
1897 patient card or, if applicable, a medical cannabis guardian card;

1898 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1899 cannabis guardian card in accordance with Section [26-61a-201](#);

1900 (c) allows a qualified medical provider to:

1901 (i) access dispensing and card status information regarding a patient:

1902 (A) with whom the qualified medical provider has a provider-patient relationship; and

1903 (B) for whom the qualified medical provider has recommended or is considering
1904 recommending a medical cannabis card;

1905 ~~[(b)]~~ (ii) ~~[allow a physician to]~~ electronically recommend, during a visit with a patient,
1906 treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal
1907 dosage form and optionally recommend dosing parameters;

1908 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
1909 medical cannabis guardian cardholder:

1910 (A) for the qualified medical provider who originally recommended a medical cannabis
1911 treatment, as that term is defined in Section [26-61a-102](#), using telehealth services; or

1912 (B) for a qualified medical provider who did not originally recommend the medical
1913 cannabis treatment, during a face-to-face visit with a patient; and

1914 (iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment
1915 in accordance with Section [26-61a-603](#);

1916 ~~[(e)]~~ (d) ~~[connect]~~ connects with:

1917 (i) ~~an inventory control system [used by a cannabis dispensary]~~ that a medical cannabis
1918 pharmacy and the state central fill medical cannabis pharmacy use to track[;] in real time[;] and
1919 [to] archive [for no more than 60 days, purchase history] purchases of any cannabis [or a] in a
1920 medicinal dosage form, cannabis product [by a] in a medicinal dosage form, or medical
1921 cannabis [card holder] device, including:

1922 (A) the time and date of [the] each purchase[;];
1923 (B) the quantity and type of cannabis [or], cannabis product, or medical cannabis
1924 device purchased[; and];
1925 (C) any cannabis production establishment [and cannabis dispensary], any medical
1926 cannabis pharmacy, or the state central fill medical cannabis pharmacy associated with the
1927 cannabis [or], cannabis product[;], or medical cannabis device; and
1928 (D) the personally identifiable information of the medical cannabis cardholder who
1929 made the purchase; and

1930 (ii) any commercially available inventory control system that a cannabis production
1931 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
1932 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
1933 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
1934 track and confirm compliance;

1935 ~~(d)~~ (e) ~~[provide]~~ provides access to:

1936 (i) ~~the [Department of Health and the Department of Agriculture and Food]~~ department
1937 to the extent necessary to carry out the [Department of Health's and the Department of
1938 Agriculture and Food's] department's functions and responsibilities under this chapter [and];

1939 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1940 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
1941 [41b] 41a, Cannabis Production [Establishment;] Establishments; and

1942 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
1943 carry functions and responsibilities related to the participation of the following in the
1944 recommendation and dispensing of medical cannabis:

1945 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
1946 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1947 Practice Act; or

1948 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1949 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1950 (f) provides access to and interaction with the state central fill medical cannabis
1951 pharmacy, state central fill agents, and local health department distribution agents, to facilitate
1952 the state central fill shipment process;

1953 ~~(e)~~ (g) ~~[provide]~~ provides access to state or local law enforcement;

1954 (i) during a traffic stop for the purpose of determining if the individual subject to the
1955 traffic stop is ~~[complying]~~ in compliance with state medical cannabis law~~[-];~~ or

1956 (ii) after obtaining a warrant; and

1957 ~~(f)~~ (h) ~~[create]~~ creates a record each time a person accesses the database that
1958 identifies the person who ~~[accessed]~~ accesses the database and the individual whose records
1959 ~~[are accessed; and]~~ the person accesses.

1960 ~~[(g) (9) be operational no later than March 1, 2020.]~~

1961 (3) The ~~[Department of Health]~~ department may release de-identified data ~~[collected~~
1962 ~~by]~~ that the system collects for the purpose of:

1963 (a) conducting medical research; and ~~[for]~~

1964 (b) providing the report required by Section ~~[26-60b-602]~~ 26-61a-703.

1965 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1966 Administrative Rulemaking Act, to establish:

1967 (a) the limitations on access to the data in the state electronic verification system as
1968 described in this section; and

1969 (b) standards and procedures to ensure accurate identification of an individual
1970 requesting information or receiving information in this section.

1971 (5) (a) Any person who knowingly and intentionally releases any information in the
1972 state electronic verification system in violation of this section is guilty of a third degree felony.

1973 (b) Any person who negligently or recklessly releases any information in the state
1974 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1975 (6) (a) Any person who obtains or attempts to obtain information from the state
1976 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1977 (b) Any person who obtains or attempts to obtain information from the state electronic
1978 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third

1979 degree felony.

1980 (7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and
 1981 intentionally use, release, publish, or otherwise make available to any other person information
 1982 obtained from the state electronic verification system for any purpose other than a purpose
 1983 specified in this section.

1984 (b) Each separate violation of this Subsection (7) is:

1985 (i) a third degree felony; and

1986 (ii) subject to a civil penalty not to exceed \$5,000.

1987 (c) The department shall determine a civil violation of this Subsection (7) in
 1988 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1989 (d) Civil penalties assessed under this Subsection (7) shall be deposited into the
 1990 General Fund.

1991 (e) This Subsection (7) does not prohibit a person who obtains information from the
 1992 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1993 (i) including the information in the person's medical chart or file for access by a person
 1994 authorized to review the medical chart or file;

1995 (ii) providing the information to a person in accordance with the requirements of the
 1996 Health Insurance Portability and Accountability Act of 1996; or

1997 (iii) discussing or sharing that information on the patient with the patient.

1998 Section 48. Section **26-61a-104**, which is renumbered from Section 26-60b-105 is
 1999 renumbered and amended to read:

2000 **~~[26-60b-105].~~ 26-61a-104. Qualifying condition.**

2001 (1) By designating a particular condition under Subsection (2) for which the use of
 2002 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
 2003 state that:

2004 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
 2005 treatment for the condition; or

2006 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

2007 [(+)] (2) For the purposes of this chapter, each of the following conditions [are
 2008 considered] is a qualifying [illness] condition:

2009 (a) HIV[;] or acquired immune deficiency syndrome [~~or an autoimmune disorder~~];

- 2010 (b) Alzheimer's disease;
- 2011 (c) amyotrophic lateral sclerosis;
- 2012 (d) cancer~~[-];~~;
- 2013 ~~(e) cachexia[-, or a condition manifest by physical wasting,-];~~;
- 2014 (f) persistent nausea[-, or malnutrition associated with chronic disease] that is not
- 2015 significantly responsive to traditional treatment, except for nausea related to:
- 2016 (i) pregnancy;
- 2017 (ii) cannabis-induced cyclical vomiting syndrome; or
- 2018 (iii) cannabinoid hyperemesis syndrome;
- 2019 ~~[(e)]~~ (g) Crohn's disease[-]; or ulcerative colitis[-, or a similar gastrointestinal disorder];
- 2020 ~~[(f)]~~ (h) epilepsy or [a similar condition that causes] debilitating seizures;
- 2021 ~~[(g)]~~ (i) multiple sclerosis or [a similar condition that causes] persistent and
- 2022 debilitating muscle spasms;
- 2023 ~~[(h)]~~ (j) post-traumatic stress disorder[-] that:
- 2024 (i) has been diagnosed by a healthcare provider or mental health provider employed or
- 2025 contracted by the United States Veterans Administration, evidenced by copies of medical
- 2026 records from the Veterans Administration that are included as part of the qualified medical
- 2027 provider's pre-treatment assessment and medical record documentation; or
- 2028 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
- 2029 the patient, by a psychiatrist, psychologist, or clinical social worker who:
- 2030 (A) is licensed;
- 2031 (B) is board-eligible or board-certified; and
- 2032 (C) has a doctorate-level degree;
- 2033 ~~[(i)]~~ (k) autism;
- 2034 (l) a terminal illness when the patient's remaining life expectancy is less than six
- 2035 months;
- 2036 (m) a condition resulting in the individual receiving hospice care;
- 2037 ~~[(j)]~~ (n) a rare condition or disease that:
- 2038 (i) affects less than 200,000 [persons] individuals in the United States, as defined in
- 2039 Section 526 of the Federal Food, Drug, and Cosmetic Act; and
- 2040 (ii) is not adequately managed despite treatment attempts using:

2041 (A) conventional medications other than opioids or opiates; or
 2042 (B) physical interventions;
 2043 ~~[(k)]~~ (o) [chronic or debilitating] pain [in an individual, if] lasting longer than two
 2044 weeks that is not adequately managed, in the qualified medical provider's opinion, despite
 2045 treatment attempts using:
 2046 (i) ~~[a physician determines that the individual is at risk of becoming chemically~~
 2047 ~~dependent on, or overdosing on, opiate-based pain medication]~~ conventional medications other
 2048 than opioids or opiates; or
 2049 (ii) ~~[a physician determines that the individual is allergic to opiates or is otherwise~~
 2050 ~~medically unable to use opiates:]~~ physical interventions; and
 2051 ~~[(2)]~~ (p) [In addition to the conditions described in Subsection (1),] a condition
 2052 [approved] that the compassionate use board approves under Section [26-60b-106, in
 2053 26-61a-105, on an individual, [on a] case-by-case basis[, is considered a qualifying illness for
 2054 the purposes of this chapter].
 2055 Section 49. Section **26-61a-105**, which is renumbered from Section 26-60b-106 is
 2056 renumbered and amended to read:
 2057 ~~[26-60b-106].~~ **26-61a-105. Compassionate use board.**
 2058 (1) (a) The department shall establish a [Compassionate Use Board] compassionate use
 2059 board consisting of:
 2060 ~~[(a)]~~ (i) [five physicians] seven qualified medical providers that the executive director
 2061 appoints:
 2062 (A) who are knowledgeable about the medicinal use of cannabis [and];
 2063 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
 2064 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
 2065 (C) whom [certified by] the appropriate board certifies in [one of] the [following
 2066 specialties:] specialty of neurology, pain medicine and pain management, medical oncology,
 2067 psychiatry, infectious disease, internal medicine, pediatrics, [and] or gastroenterology; and
 2068 ~~[(b)]~~ (ii) as a nonvoting member and the chair of the board, the executive director [of
 2069 the Department of Health] or the director's designee [as a non-voting member].
 2070 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
 2071 the executive director shall ensure that at least two have a board certification in pediatrics.

2072 (2) (a) ~~[Two of]~~ Of the members of the board that the executive director first
2073 [appointed] appoints:

2074 (i) three shall serve ~~[for a]~~ an initial term of ~~[three]~~ two years; and ~~[two of]~~
2075 (ii) the remaining members ~~[of the board first appointed]~~ shall serve ~~[for a]~~ an initial
2076 term of four years.

2077 (b) After ~~[the first members' terms expire, members of the board shall serve for a]~~ an
2078 initial term ~~[of]~~ described in Subsection (2)(a) expires:

2079 (i) each term is four years; and ~~[shall be]~~
2080 (ii) each board member is eligible for reappointment.

2081 (c) ~~[Any]~~ A member of the board may serve until a successor is appointed.
2082 ~~[(d) The director of the Department of Health or the director's designee shall serve as~~
2083 ~~the chair of the board.]~~

2084 (3) ~~[A]~~ Four members constitute a quorum of the ~~[Compassionate Use Board shall~~
2085 ~~consist of three members]~~ compassionate use board.

2086 (4) A member of the board may ~~[not]~~ receive:
2087 (a) compensation or benefits for the member's service~~[-but may receive];~~ and
2088 (b) per diem and travel expenses in accordance with Section 63A-3-106, Section
2089 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2090 63A-3-107.

2091 (5) The ~~[Compassionate Use Board]~~ compassionate use board shall:
2092 (a) review and recommend ~~[to the]~~ for department approval ~~[for]~~ an individual
2093 described in Subsection 26-61a-201(2)(a), a minor described in Subsection 26-61a-201(2)(c),
2094 or an individual who is not otherwise qualified to receive a medical cannabis card to obtain a
2095 medical cannabis card for compassionate use if:

2096 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
2097 the individual's qualified medical provider is actively treating the individual ~~[offers, in the~~
2098 ~~board's discretion, satisfactory evidence that the individual suffers from a]~~ for an intractable
2099 condition that:

2100 (A) substantially impairs the individual's quality of life ~~[and is intractable];~~ and
2101 (B) has not, in the qualified medical provider's professional opinion, adequately
2102 responded to conventional treatments;

2103 (ii) the qualified medical provider:
2104 (A) recommends that the individual or minor be allowed to use medical cannabis; and
2105 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
2106 describing relevant treatment history including rationale for considering the use of medical
2107 cannabis; and
2108 [(ii)] (iii) the board determines that:
2109 (A) the recommendation of the individual's qualified medical provider is justified; and
2110 (B) based on available information, it [is] may be in the best [interest] interests of the
2111 [patient] individual to allow the[compassionate] use of medical cannabis;
2112 (b) unless no petitions are pending:
2113 (i) meet to receive or review compassionate use petitions at least quarterly[, unless no
2114 petitions are pending, or]; and
2115 (ii) [as often as necessary] if there are more petitions than the board can receive or
2116 review during the board's regular schedule, as often as necessary;
2117 (c) complete a review of each petition and recommend to the department approval or
2118 denial of the applicant for qualification for a medical cannabis card within 90 days [of receipt]
2119 after the day on which the board received the petition; and
2120 (d) report, before November 1 of each year, to the Health and Human Services Interim
2121 Committee[;];
2122 (i) the number of compassionate use [approvals] recommendations the board issued
2123 during the past year; and
2124 (ii) the types of conditions for which the board approved compassionate use.
2125 (6) (a) (i) The department shall review any compassionate use [approved by] for which
2126 the board recommends approval under [this section] Subsection (5)(c) to determine [if]
2127 whether the board properly exercised the board's discretion under this section.
2128 [(7)] (ii) If the department determines that the board properly [approved an individual
2129 for compassionate use under this section] exercised the board's discretion in recommending
2130 approval under Subsection (5)(c), the department shall:
2131 (A) issue [a] the relevant medical cannabis card[;]; and
2132 (B) provide for the renewal of the medical cannabis card in accordance with the
2133 recommendation of the qualified medical provider described in Subsection (5)(a).

2134 (b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking
2135 to obtain a medical cannabis card may petition the department to review the board's decision.

2136 (ii) If the department determines that the board's recommendation for denial under
2137 Subsection (5)(c) was arbitrary or capricious:

2138 (A) the department shall notify the board of the department's determination; and

2139 (B) the board shall reconsider the board's refusal to recommend approval under this
2140 section.

2141 (c) In reviewing the board's recommendation for approval or denial under Subsection
2142 (5)(c) in accordance with this Subsection (6), the department shall presume the board properly
2143 exercised the board's discretion unless the department determines that the board's
2144 recommendation was arbitrary or capricious.

2145 ~~[(8)]~~ (7) Any individually identifiable health information contained in a petition
2146 [received] that the board or department receives under this section [shall be] is a protected
2147 record in accordance with Title 63G, Chapter 2, Government Records Access and Management
2148 Act.

2149 ~~[(9)]~~ (8) The [Compassionate Use Board may recommend] compassionate use board
2150 shall annually report the board's activity to the [Health and Human Services Interim
2151 Committee:]

2152 ~~[(a) a condition to designate as a qualifying illness under Section 26-60b-105; or]~~

2153 ~~[(b) a condition to remove as a qualifying illness under Section 26-60b-105]~~

2154 Cannabinoid Product Board created in Section 26-61-201.

2155 Section 50. Section **26-61a-106**, which is renumbered from Section 26-60b-107 is
2156 renumbered and amended to read:

2157 ~~[26-60b-107].~~ **26-61a-106. Qualified medical provider registration --**

2158 **Continuing education -- Treatment recommendation.**

2159 (1) ~~[For the purposes of this chapter, a physician means an]~~ An individual~~[, other than~~
2160 a veterinarian, who] may not recommend a medical cannabis treatment unless the department
2161 registers the individual as a qualified medical provider in accordance with this section.

2162 (2) (a) The department shall, within 15 days after the day on which the department
2163 receives an application from an individual, register and issue a qualified medical provider
2164 registration card to the individual if the individual:

- 2165 (i) provides to the department the individual's name and address;
2166 (ii) provides to the department a report detailing the individual's completion of the
2167 applicable continuing education requirement described in Subsection (3);
2168 (iii) provides to the department evidence that the individual:
2169 (A) has the authority to write a prescription;
2170 (B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2171 Controlled Substances Act; and [who]
2172 (C) possesses the authority, in accordance with the individual's scope of practice, to
2173 prescribe a Schedule II controlled [substances:] substance;
2174 (iv) provides to the department evidence that the individual is:
2175 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2176 Practice Act; or
2177 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2178 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
2179 (v) pays the department a fee in an amount that:
2180 (A) the department sets, in accordance with section [63J-1-504](#); and
2181 (B) does not exceed \$300 for an initial registration.
2182 (b) The department may not register an individual as a qualified medical provider if the
2183 individual is:
2184 (i) a pharmacy medical provider or a state central fill medical provider; or
2185 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
2186 cultivation facility or a medical cannabis pharmacy.
2187 (3) (a) An individual shall complete the continuing education described in this
2188 Subsection (3) in the following amounts:
2189 (i) for an individual as a condition precedent to registration, four hours; and
2190 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
2191 every two years.
2192 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:
2193 (i) complete continuing education:
2194 (A) regarding the topics described in Subsection (3)(d); and
2195 (B) offered by the department under Subsection (3)(c) or an accredited or approved

2196 continuing education provider that the department recognizes as offering continuing education
2197 appropriate for the recommendation of cannabis to patients; and

2198 (ii) make a continuing education report to the department in accordance with a process
2199 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
2200 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
2201 Professional Licensing and:

2202 (A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
2203 Nurse Practice Act, the Board of Nursing;

2204 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
2205 Practice Act, the Physicians Licensing Board; and

2206 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
2207 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

2208 (c) The department may, in consultation with the Division of Occupational and
2209 Professional Licensing, develop the continuing education described in this Subsection (3).

2210 (d) The continuing education described in this Subsection (3) may discuss:

2211 (i) the provisions of this chapter;

2212 (ii) general information about medical cannabis under federal and state law;

2213 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2214 including risks and benefits;

2215 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2216 patient in pain management, risk management, potential addiction, or palliative care; and

2217 (v) best practices for recommending the form and dosage of medical cannabis products
2218 based on the qualifying condition underlying a medical cannabis recommendation.

2219 ~~[(2) A physician may recommend cannabis if the physician recommends cannabis to no~~
2220 ~~more than 20% of the physician's patients at any given time.]~~

2221 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may
2222 not recommend a medical cannabis treatment to more than 175 of the qualified medical
2223 provider's patients at the same time, as determined by the number of medical cannabis cards
2224 under the qualified medical provider's name in the state electronic verification system.

2225 ~~[(3)]~~ (b) Except as provided in Subsection (4)(c), [A physician] a qualified medical
2226 provider may recommend a medical cannabis treatment to [greater than 20% of the physician's

2227 patients] up to 300 of the qualified medical provider's patients at any given time, as determined
2228 by the number of medical cannabis cards under the qualified medical provider's name in the
2229 state electronic verification system, if:

2230 (i) the [physician is certified, by the] appropriate American medical board[~~, in one of~~
2231 ~~the following specialties:] has certified the qualified medical provider in the specialty of~~
2232 anesthesiology, gastroenterology, neurology, oncology, pain, hospice and palliative [care;
2233 psychiatry] medicine, physical medicine and rehabilitation, rheumatology, or psychiatry[-]; or

2234 (ii) a licensed business employs or contracts the qualified medical provider for the
2235 specific purpose of providing hospice and palliative care.

2236 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in
2237 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for
2238 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of
2239 100 patients per authorization, not to exceed three authorizations.

2240 (ii) The Division of Occupational and Professional Licensing shall grant the
2241 authorization described in Subsection (4)(c)(i) if:

2242 (A) the petitioning qualified medical provider pays a \$100 fee;

2243 (B) the division performs a review that includes the qualified medical provider's
2244 medical cannabis recommendation activity in the state electronic verification system, relevant
2245 information related to patient demand, and any patient medical records that the division
2246 determines would assist in the division's review; and

2247 (C) after the review described in this Subsection (4)(c)(ii), the division determines that
2248 granting the authorization would not adversely affect public safety, adversely concentrate the
2249 overall patient population among too few qualified medical providers, or adversely concentrate
2250 the use of medical cannabis among the provider's patients.

2251 [(4)] (5) A [physician] qualified medical provider may recommend medical cannabis to
2252 an individual under this chapter only in the course of a [physician-patient] qualified medical
2253 provider-patient relationship after the [physician] qualifying medical provider has completed
2254 and documented in the patient's medical record a [full] thorough assessment of the patient's
2255 condition and medical history based on the appropriate standard of care for the patient's
2256 condition.

2257 [(5)] (6) (a) Except as provided in Subsection [(5)(b)] (6)(b), a [physician-eligible to

2258 ~~recommend cannabis or a cannabis product under this section]~~ qualified medical provider may
2259 not advertise that the ~~[physician]~~ qualified medical provider recommends medical cannabis [~~or~~
2260 ~~a cannabis product]~~ treatment.

2261 (b) ~~[A physician may advertise via]~~ For purposes of Subsection (6)(a), the
2262 communication of the following, through a website [~~that displays only]~~ does not constitute
2263 advertising:

2264 (i) a green cross;

2265 [~~(ii) the location and hours of operation of the physician's office;~~]

2266 [~~(iii)~~] (ii) a qualifying [illness] condition that the ~~[physician]~~ qualified medical provider
2267 treats; [and] or

2268 [~~(iv)~~] (iii) a scientific study [regarding] medical cannabis use.

2269 (7) (a) A qualified medical provider registration card expires two years after the day on
2270 which the department issues the card.

2271 (b) The department shall renew a qualified medical provider's registration card if the
2272 provider:

2273 (i) applies for renewal;

2274 (ii) is eligible for a qualified medical provider registration card under this section,
2275 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

2276 (iii) certifies to the department in a renewal application that the information in
2277 Subsection (2)(a) is accurate or updates the information;

2278 (iv) submits a report detailing the completion of the continuing education requirement
2279 described in Subsection (3); and

2280 (v) pays the department a fee in an amount that:

2281 (A) the department sets, in accordance with section [63J-1-504](#); and

2282 (B) does not exceed \$50 for a registration renewal.

2283 (8) The department may revoke the registration of a qualified medical provider who
2284 fails to maintain compliance with the requirements of this section.

2285 (9) A qualified medical provider may not receive any compensation or benefit for the
2286 qualified medical provider's medical cannabis treatment recommendation from:

2287 (a) a cannabis production establishment or an owner, officer, director, board member,
2288 employee, or agent of a cannabis production establishment;

2289 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
 2290 employee, or agent of a medical cannabis pharmacy; or

2291 (c) a qualified medical provider or pharmacy medical provider.

2292 Section 51. Section **26-61a-107**, which is renumbered from Section 26-60b-108 is
 2293 renumbered and amended to read:

2294 ~~[26-60b-108].~~ **26-61a-107. Standard of care -- Physicians and pharmacists**
 2295 **not liable -- No private right of action.**

2296 ~~[A physician who recommends treatment with cannabis or a cannabis product to an~~
 2297 ~~individual in accordance with this chapter may not, based on the recommendation, be subject~~
 2298 ~~to]~~

2299 (1) An individual described in Subsection (2) is not subject to the following solely for
 2300 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
 2301 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
 2302 United States Food and Drug Administration has not approved:

2303 (a) civil [liability,] or criminal liability[;]; or

2304 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
 2305 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act or Title 58,
 2306 Chapter 68, Utah Osteopathic Medical Practice Act.

2307 (2) The limitations of liability described in Subsection (1) apply to:

2308 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
 2309 Practice Act, or a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
 2310 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act:

2311 (i) (A) whom the department has registered as a qualified medical provider; and

2312 (B) who recommends treatment with cannabis in a medicinal dosage form or a
 2313 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or

2314 (ii) before January 1, 2021, who:

2315 (A) has the authority to write a prescription; and

2316 (B) recommends a medical cannabis treatment to a patient who has a qualifying
 2317 condition; and

2318 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

2319 (i) whom the department has registered as a pharmacy medical provider or a state

2320 central fill medical provider; and

2321 (ii) who dispenses, in a medical cannabis pharmacy or the state central fill medical
2322 cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product
2323 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

2324 (3) Nothing in this section or chapter reduces or in any way negates the duty of an
2325 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a
2326 patient:

2327 (a) who may have a qualifying condition; and

2328 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
2329 recommended or might consider recommending a treatment with cannabis or a cannabis
2330 product; or

2331 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
2332 dosing or dispensing of cannabis or a cannabis product.

2333 Section 52. Section **26-61a-108** is enacted to read:

2334 **26-61a-108. Agreement with a tribe.**

2335 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
2336 band.

2337 (2) (a) In accordance with this section, the governor may enter into an agreement with a
2338 tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within
2339 the state.

2340 (b) An agreement described in Subsection (2)(a) may not exempt any person from the
2341 requirements of this chapter.

2342 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

2343 (i) is in writing;

2344 (ii) is signed by:

2345 (A) the governor; and

2346 (B) the governing body of the tribe that the tribe designates and has the authority to
2347 bind the tribe to the terms of the agreement;

2348 (iii) states the effective date of the agreement;

2349 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
2350 becomes inconsistent with a state statute; and

2351 (v) includes any accommodation that the tribe makes:
 2352 (A) to which the tribe agrees; and
 2353 (B) that is reasonably related to the agreement.
 2354 (d) Before executing an agreement under this Subsection (2), the governor shall consult
 2355 with the department.
 2356 (e) At least 30 days before the execution of an agreement described in this Subsection
 2357 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
 2358 in which the agreement will be executed to:
 2359 (i) the chairs of the Native American Legislative Liaison Committee; and
 2360 (ii) the Office of Legislative Research and General Counsel.
 2361 Section 53. Section **26-61a-109**, which is renumbered from Section 26-60b-109 is
 2362 renumbered and amended to read:
 2363 **[26-60b-109]. 26-61a-109. Qualified Patient Enterprise Fund -- Creation --**
 2364 **Revenue neutrality.**
 2365 (1) There is created [~~in the General Fund a restricted account~~] an enterprise fund
 2366 known as the [~~"Medical Cannabis Restricted Account."~~] "Qualified Patient Enterprise Fund."
 2367 (2) The [~~account~~] fund created in this section is funded from:
 2368 [~~(a) money deposited into the account by the Department of Agriculture and Food~~
 2369 ~~under Title 4, Chapter 41b, Cannabis Production Establishments;~~]
 2370 [~~(b)~~] (a) money [~~deposited~~] the department deposits into the [~~account by the~~
 2371 ~~department~~] fund under this chapter;
 2372 [~~(c)~~] (b) appropriations [~~made~~] the Legislature makes to the [~~account by the~~
 2373 ~~Legislature~~] fund; and
 2374 [~~(d)~~] (c) the interest described in Subsection (3).
 2375 (3) Interest earned on the [~~account is~~] fund shall be deposited [~~in~~] into the [~~account~~]
 2376 fund.
 2377 (4) [~~Money~~] The department may only use money in the [~~account may only be used~~]
 2378 fund to fund the [~~state medical cannabis program, including Title 26, Chapter 60b, Medical~~
 2379 ~~Cannabis Act and Title 4, Chapter 41b, Cannabis Production Establishments~~] department's
 2380 responsibilities under this chapter, except for the responsibilities described in Subsection
 2381 26-61a-110(4).

2382 (5) The department shall set fees authorized under this chapter in amounts that the
2383 department anticipates are necessary, in total, to cover the department's cost to implement this
2384 chapter.

2385 Section 54. Section **26-61a-110** is enacted to read:

2386 **26-61a-110. Qualified Distribution Enterprise Fund -- Creation.**

2387 (1) There is created an enterprise fund known as the "Qualified Distribution Enterprise
2388 Fund."

2389 (2) The fund created in this section is funded from:

2390 (a) money the department deposits into the fund from the operation of the state central
2391 fill medical cannabis pharmacy under this chapter;

2392 (b) appropriations the Legislature makes to the fund; and

2393 (c) the interest described in Subsection (3).

2394 (3) Interest earned on the fund shall be deposited into the fund.

2395 (4) The department may only use money in the fund to fund the operation of the state
2396 central fill medical cannabis pharmacy.

2397 Section 55. Section **26-61a-111**, which is renumbered from Section 26-60b-110 is
2398 renumbered and amended to read:

2399 ~~[26-60b-110].~~ **26-61a-111. Nondiscrimination for medical care or**
2400 **government employment.**

2401 (1) For purposes of medical care, including an organ [and] or tissue [transplants, the
2402 use of cannabis by a patient who holds] transplant, a [medical cannabis card] patient's use, in
2403 accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis product in a
2404 medicinal dosage form:

2405 (a) is considered the equivalent of the authorized use of any other medication used at
2406 the discretion of a physician; and

2407 (b) does not constitute the use of an illicit substance or otherwise disqualify an
2408 individual from needed medical care.

2409 ~~[(2) No landlord may refuse to lease to and may not otherwise penalize a person solely~~
2410 ~~for the person's status as a medical cannabis card holder, unless failing to do so would cause~~
2411 ~~the landlord to lose a monetary or licensing-related benefit under federal law.]~~

2412 (2) (a) Notwithstanding any other provision of law and except as provided in

2413 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
2414 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or
2415 political subdivision treats employee use of opioids and opiates.

2416 (b) Subsection (2)(a) does not apply where application would jeopardize federal
2417 funding for the employee's position.

2418 Section 56. Section **26-61a-112** is enacted to read:

2419 **26-61a-112. No insurance requirement.**

2420 Nothing in this chapter requires an insurer, a third-party administrator, or an employer
2421 to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

2422 Section 57. Section **26-61a-113** is enacted to read:

2423 **26-61a-113. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.**

2424 (1) Nothing in this chapter prohibits an individual:

2425 (a) with a valid hemp extract registration card that the department issues under Section
2426 26-56-103 from possessing, administering, or using hemp extract in accordance with Section
2427 58-37-4.3; or

2428 (b) from purchasing, selling, possessing, or using a cannabidiol product in accordance
2429 with Section 4-41-402.

2430 (2) Nothing in this chapter restricts or otherwise affects the prescription, distribution,
2431 or dispensing of a product that the United States Food and Drug Administration has approved.

2432 Section 58. Section **26-61a-114** is enacted to read:

2433 **26-61a-114. Severability clause.**

2434 (1) If any provision of this title or this bill or the application of any provision of this
2435 title or this bill to any person or circumstance is held invalid by a final decision of a court of
2436 competent jurisdiction, the remaining provisions of this title and this bill remain effective
2437 without the invalidated provision or application.

2438 (2) The provisions of this title and this bill are severable.

2439 Section 59. Section **26-61a-201**, which is renumbered from Section 26-60b-201 is
2440 renumbered and amended to read:

2441 **Part 2. Medical Cannabis Card Registration.**

2442 ~~[26-60b-201]~~. **26-61a-201. Medical cannabis patient card -- Medical**
2443 **cannabis guardian card application -- Fees -- Studies.**

2444 (1) ~~[The Department of Health shall, no later than]~~ On or before March 1, 2020, ~~[and]~~
 2445 the department shall, within 15 days after [an individual] the day on which an individual who
 2446 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in
 2447 ~~[compliance]~~ accordance with this section[;] or Section 26-61a-202:

2448 (a) issue a medical cannabis patient card to an individual [who complies with this
 2449 section.] described in Subsection (2)(a);

2450 (b) issue a medical cannabis guardian card to an individual described in Subsection
 2451 (2)(b);

2452 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

2453 (d) issue a medical cannabis caregiver card to an individual described in Subsection
 2454 26-61a-202(4).

2455 (2) (a) An individual is eligible for a medical cannabis patient card if:

2456 ~~[(a)]~~ (i) (A) the individual is at least [18] 21 years old[;]; or

2457 (B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate
 2458 use board under Section 26-61a-105, and the compassionate use board recommends department
 2459 approval of the petition;

2460 (ii) the individual is a Utah resident[; and treatment with medical cannabis has been
 2461 recommended by];

2462 (iii) the individual's [physician under] qualified medical provider recommends
 2463 treatment with medical cannabis in accordance with Subsection (4); [or]

2464 (iv) the individual signs an acknowledgment stating that the individual received the
 2465 information described in Subsection (8); and

2466 (v) the individual pays to the department a fee in an amount that, subject to Subsection
 2467 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2468 (b) (i) ~~[the individual]~~ An individual is eligible for a medical cannabis guardian card if
 2469 the individual:

2470 (A) is at least 18 years old;

2471 (B) is a Utah resident;

2472 (C) is the parent or legal guardian of a minor[; the individual is at least 18 years old;
 2473 the individual is a Utah resident, and treatment with] for whom the minor's qualified medical
 2474 provider recommends a medical cannabis [has been recommended by the minor's physician

2475 ~~under Subsection (4)]~~ treatment, the individual petitions the compassionate use board under
2476 Section 26-61a-105, and the compassionate use board recommends department approval of the
2477 petition;

2478 (D) the individual signs an acknowledgment stating that the individual received the
2479 information described in Subsection (8);

2480 (E) pays to the department a fee in an amount that, subject to Subsection
2481 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
2482 criminal background check described in Section 26-61a-203; and

2483 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
2484 offense under either state or federal law, unless the individual completed any imposed sentence
2485 six months or more before the day on which the individual applies for a medical cannabis
2486 guardian card.

2487 (ii) The department shall notify the Department of Public Safety of each individual that
2488 the department registers for a medical cannabis guardian card.

2489 (c) (i) A minor is eligible for a provisional patient card if:

2490 (A) the minor has a qualifying condition;

2491 (B) the minor's qualified medical provider recommends a medical cannabis treatment
2492 to address the minor's qualifying condition;

2493 (C) the minor's parent or legal guardian petitions the compassionate use board under
2494 Section 26-61a-105, and the compassionate use board recommends department approval of the
2495 petition; and

2496 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
2497 under Subsection (2)(b).

2498 (ii) The department shall automatically issue a provisional patient card to the minor
2499 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
2500 guardian card to the minor's parent or legal guardian.

2501 (3) (a) An individual who is eligible for a medical cannabis card [~~under~~] described in
2502 Subsection [(2)] (2)(a) or (b) shall submit an application for a medical cannabis card to the
2503 department [via]:

2504 (i) through an electronic application connected to the state electronic verification
2505 system[.];

2506 (ii) with the recommending [physician] qualified medical provider while in the
2507 recommending [physician's] qualified medical provider's office[-]; and [that includes]
2508 (iii) with information including:
2509 (A) the [individual's] applicant's name, gender, age, and address[-];
2510 (B) the number of the applicant's valid form of identification that is a valid United
2511 States federal- or state-issued photo identification, including a driver license, a United States
2512 passport, a United States passport card, or a United States military identification card;
2513 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2514 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
2515 and
2516 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
2517 holds the associated medical cannabis guardian card.
2518 (b) The department shall ensure that a medical cannabis card the department issues
2519 under this section contains the information described in Subsection (3)(a)(iii).
2520 (c) (i) If a qualified medical provider determines that, because of age, illness, or
2521 disability, a medical cannabis patient cardholder requires assistance in administering the
2522 medical cannabis treatment that the qualified medical provider recommends, the qualified
2523 medical provider may indicate the cardholder's need in the state electronic verification system.
2524 (ii) If a qualified medical provider makes the indication described in Subsection
2525 (3)(c)(i):
2526 (A) the department shall add a label to the relevant medical cannabis patient card
2527 indicating the cardholder's need for assistance; and
2528 (B) any adult who is 21 years old or older and who is physically present with the
2529 cardholder at the time the cardholder needs to use the recommended medical cannabis
2530 treatment may handle the medical cannabis treatment and any associated medical cannabis
2531 device as needed to assist the cardholder in administering the recommended medical cannabis
2532 treatment, including in the event of an emergency medical condition under Subsection
2533 [26-61a-204\(2\)](#).
2534 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:
2535 (A) ingest or inhale medical cannabis;
2536 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside

2537 of the immediate area where the cardholder is present or with an intent other than to provide
 2538 assistance to the cardholder; or

2539 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
 2540 the cardholder is not in the process of being dosed with medical cannabis.

2541 (4) [A physician who recommends treatment with] To recommend a medical cannabis
 2542 treatment to [an individual or minor] a patient or to renew a recommendation, a qualified
 2543 medical provider shall:

2544 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
 2545 a medicinal dosage form:

2546 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
 2547 guardian's valid form of identification described in Subsection (3)(a);

2548 (ii) review any record related to the patient and, for a minor patient, the patient's parent
 2549 or legal guardian in:

2550 (A) the state electronic verification system; and

2551 (B) the controlled substance database created in Section [58-37f-201](#); and

2552 (iii) consider the recommendation in light of the patient's qualifying condition and
 2553 history of medical cannabis and controlled substance use; and

2554 [~~(a)~~] (b) state in the [physician's] qualified medical provider's recommendation that the
 2555 [individual] patient:

2556 (i) suffers from a qualifying [illness] condition, including the type of qualifying
 2557 [illness,] condition; and [that the individual]

2558 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
 2559 product in a medicinal dosage form. [~~;~~ and]

2560 [~~(b) before recommending cannabis or a cannabis product, look up the individual in the~~
 2561 ~~controlled substance database created in Section [58-37f-201](#).]~~

2562 (5) (a) [~~A~~] Except as provided in Subsection (5)(b), a medical cannabis card [issued
 2563 by] that the department issues under this section is valid for the lesser of:

2564 (i) an amount of time [~~determined by~~] that the [physician] qualified medical provider
 2565 determines; or

2566 (ii) (A) for the first issuance, 30 days; or

2567 (B) for a renewal, six months.

2568 (b) (i) A medical cannabis card that the department issues in relation to a terminal
2569 illness described in Section 26-61a-104 does not expire.

2570 (ii) The recommending qualified medical provider may revoke a recommendation that
2571 the provider made in relation to a terminal illness described in Section 26-61a-104 if the
2572 medical cannabis cardholder no longer has the terminal illness.

2573 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
2574 renewable if:

2575 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
2576 (b); or

2577 (ii) the cardholder received the medical cannabis card through the recommendation of
2578 the compassionate use board under Section 26-61a-105.

2579 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

2580 (i) using the application process described in Subsection (3); or

2581 (ii) through phone or video conference with the qualified medical provider who made
2582 the recommendation underlying the card, at the qualifying medical provider's discretion.

2583 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
2584 pay to the department a renewal fee in an amount that:

2585 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
2586 63J-1-504; and

2587 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
2588 comparison to the original application process.

2589 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2590 patient card renews automatically at the time the minor's parent or legal guardian renews the
2591 parent or legal guardian's associated medical cannabis guardian card.

2592 (e) The department may revoke a medical cannabis guardian card if the cardholder
2593 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
2594 under either state or federal law.

2595 ~~[(6)]~~ (7) (a) [An individual who has been issued a medical cannabis card] A cardholder
2596 under this section [may: (a)] shall carry [a] the cardholder's valid medical cannabis card with
2597 the patient's name[;].

2598 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may

2599 purchase, in accordance with this chapter and the recommendation underlying the card,
2600 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
2601 medical cannabis device.

2602 (ii) A cardholder under this section may possess[~~;~~ and] or transport, in accordance with
2603 this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form,
2604 a cannabis product in a medicinal dosage form, or a medical cannabis device[~~;~~].

2605 ~~[(e)]~~ (iii) [use or assist with the use of medical cannabis or medical cannabis products
2606 to treat] To address the qualifying [illness or symptoms associated with the qualifying illness of
2607 the person for whom medical cannabis has been recommended] condition underlying the
2608 medical cannabis treatment recommendation:

2609 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
2610 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
2611 or a medical cannabis device; and

2612 (B) a medical cannabis guardian cardholder may assist the associated provisional
2613 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
2614 product in a medicinal dosage form, or a medical cannabis device.

2615 ~~[(d)]~~ (c) If neither a licensed medical cannabis pharmacy nor the state central fill
2616 medical cannabis pharmacy is operating within the state after January 1, 2021[~~;~~ if a licensed
2617 cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's
2618 primary residence, grow up to six cannabis plants for personal medical use within an enclosed
2619 and locked space and not within view from a public place and that is not within 600 feet of a
2620 community location or within 300 feet of an area zoned exclusively for residential use, as
2621 measured from the nearest entrance to the space and following the shortest route or ordinary
2622 pedestrian travel to the property boundary of the community location or residential area.] a
2623 cardholder under this section is not subject to prosecution for the possession of:

2624 (i) no more than 113 grams of marijuana in a medicinal dosage form;

2625 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
2626 than 20 grams of tetrahydrocannabinol; or

2627 (iii) marijuana drug paraphernalia.

2628 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2629 Utah Administrative Rulemaking Act, a process to provide information regarding the following

2630 to an individual receiving a medical cannabis card:

2631 (a) risks associated with medical cannabis treatment;

2632 (b) the fact that a condition's listing as a qualifying condition does not suggest that
 2633 medical cannabis treatment is an effective treatment or cure for that condition, as described in

2634 Subsection [26-61a-104](#)(1); and

2635 (c) other relevant warnings and safety information that the department determines.

2636 ~~[(7)]~~ (9) The department may establish procedures~~[:]~~ by rule~~2~~, in accordance with Title
 2637 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the ~~[medical cannabis~~
 2638 ~~card]~~ application and issuance provisions of this section.

2639 ~~[(8)]~~ (10) (a) A person may submit, to the department~~[:]~~ a request to conduct a medical
 2640 research study using medical cannabis cardholder data ~~[contained in]~~ that the state electronic
 2641 verification system contains.

2642 (b) The department shall review a request ~~[submitted under]~~ described in Subsection
 2643 ~~[(8)(a)]~~ (10)(a) to determine ~~[if]~~ whether the medical research study is valid.

2644 (c) If the department ~~[determines]~~ makes a determination under Subsection (10)(b) that
 2645 the medical research study is valid ~~[under Subsection (8)(b)]~~, the department shall notify ~~[a]~~
 2646 each relevant ~~[medical cannabis]~~ cardholder asking for the ~~[medical cannabis]~~ cardholder's
 2647 ~~[participation]~~ consent to participate in the study.

2648 (d) The department may release, for the purposes of a study described in this
 2649 Subsection (10), information about a ~~[medical cannabis]~~ cardholder under this section who
 2650 consents to ~~[participation]~~ participate under Subsection ~~[(8)(c)]~~ (10)(c).

2651 (e) The department may establish standards for a medical research study's validity, by
 2652 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2653 Section 60. Section **26-61a-202**, which is renumbered from Section 26-60b-202 is
 2654 renumbered and amended to read:

2655 ~~[26-60b-202].~~ **26-61a-202. Medical cannabis caregiver card -- Registration**
 2656 **-- Renewal -- Revocation.**

2657 (1) ~~[An individual]~~ A cardholder described in Section [26-61a-201](#) may designate up to
 2658 two individuals to serve as a designated ~~[caregivers]~~ caregiver for the ~~[individual]~~ cardholder
 2659 if[:]

2660 ~~[(a) the individual has a valid medical cannabis card under Section [26-60b-201](#); and]~~

2661 ~~[(b) a physician]~~ a qualified medical provider determines that, due to physical difficulty
2662 or undue hardship, the ~~[individual]~~ cardholder needs assistance to obtain the medical cannabis
2663 ~~[or a cannabis product from a cannabis dispensary]~~ treatment that the qualified medical
2664 provider recommends.

2665 (2) An individual ~~[registered]~~ that the department registers as a designated caregiver
2666 under this section:

2667 (a) ~~may~~ ~~[(a)]~~ carry a valid medical cannabis caregiver card ~~[with the designating~~
2668 ~~patient's name and the designated caregiver's name];~~

2669 (b) ~~[purchase, possess, and transport,]~~ in accordance with this chapter, may purchase,
2670 possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a
2671 cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the
2672 designating ~~[patient]~~ medical cannabis cardholder;

2673 (c) may not charge a fee to an individual to act as the individual's designated caregiver
2674 or for a service that the designated caregiver provides in relation to the role as a designated
2675 caregiver;

2676 ~~[(e)]~~ (d) may accept reimbursement from the designating ~~[patient]~~ medical cannabis
2677 cardholder for direct costs ~~[incurred by]~~ the designated caregiver incurs for assisting with the
2678 designating ~~[patient's]~~ cardholder's medicinal use of cannabis; and

2679 ~~[(d)]~~ (e) ~~[after January 1, 2021,]~~ if neither a licensed medical cannabis ~~[dispensary]~~
2680 pharmacy nor the state central fill medical cannabis pharmacy is ~~[not]~~ operating within ~~[100~~
2681 ~~miles of the designating patient's primary residence, assist the designating patient with growing~~
2682 ~~up to six cannabis plants for personal medicinal use within an enclosed and locked space and~~
2683 ~~not within view from a public place and that is not within 600 feet of a community location or~~
2684 ~~within 300 feet of an area zoned exclusively for residential use, as measured from the nearest~~
2685 ~~entrance to the space and following the shortest route or ordinary pedestrian travel to the~~
2686 ~~property boundary of the community location or residential area.]~~ the state after January 1,
2687 2021, is not subject to prosecution for the possession of:

2688 (i) no more than 113 grams of marijuana in a medicinal dosage form;

2689 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
2690 than 20 grams of tetrahydrocannabinol; or

2691 (iii) marijuana drug paraphernalia.

2692 (3) (a) The department shall~~;~~:

2693 (i) within ~~[30]~~ 15 days after the day on which an individual submits an application in

2694 compliance with this section, issue a medical cannabis card to ~~[an individual designated as a~~

2695 ~~caregiver under Subsection (1) and who complies with this section.]~~ the applicant if the

2696 applicant:

2697 (A) is designated as a caregiver under Subsection (1);

2698 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

2699 (C) complies with this section; and

2700 (ii) notify the Department of Public Safety of each individual that the department

2701 registers as a designated caregiver.

2702 (b) The department shall ensure that a medical cannabis caregiver card contains the

2703 information described in Subsection (5)(b).

2704 (4) An individual is eligible for a medical cannabis ~~[card as a designated]~~ caregiver

2705 card if the individual:

2706 (a) is at least ~~[18]~~ 21 years old;

2707 (b) is a Utah resident;

2708 (c) pays~~;~~ to the department~~;~~ a fee ~~[established by]~~ in an amount that, subject to

2709 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#), plus the

2710 cost of ~~[a]~~ the criminal background check ~~[required by]~~ described in Section ~~[[26-60b-203](#);~~ and

2711 [26-61a-203](#);

2712 (d) signs an acknowledgment stating that the applicant received the information

2713 described in Subsection [26-61a-201\(8\)](#); and

2714 ~~[(d)]~~ (e) has not been convicted of ~~[an]~~ a misdemeanor or felony drug distribution

2715 offense that is a felony under either state or federal law, unless the individual completes any

2716 imposed sentence ~~[imposed was completed seven]~~ two or more years ~~[earlier]~~ before the day on

2717 which the individual submits the application.

2718 (5) An ~~[individual who is]~~ eligible applicant for a medical cannabis caregiver card~~[as a~~

2719 ~~designated caregiver]~~ shall:

2720 (a) submit an application for a medical cannabis caregiver card to the department ~~[via]~~

2721 through an electronic application connected to the state electronic verification system; and

2722 ~~[shall include the individual's]~~

2723 (b) submit the following information in the application described in Subsection (5)(a):

2724 (i) the applicant's name, gender, age, and address [and];

2725 (ii) the name, gender, age, and address of the [patient that] cardholder described in

2726 Section 26-61a-201 who designated the [individual under Subsection (1):] applicant; and

2727 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,

2728 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical

2729 cannabis guardian cardholder.

2730 (6) [A] Except as provided in Subsection (6)(b), a medical cannabis caregiver card

2731 [issued by] that the department issues under this section is valid for the lesser of:

2732 (a) an amount of time [determined by the physician, by the patient, or 6 months:] that

2733 the cardholder described in Section 26-61a-201 who designated the caregiver determines; or

2734 (b) the amount of time remaining before the card of the cardholder described in Section

2735 26-61a-201 expires.

2736 (7) [A medical cannabis card is renewable for a designated caregiver if, at the time of

2737 renewal:]

2738 [(a) the individual with a medical cannabis card described in Subsection (1) renews the

2739 caregiver's designation; and]

2740 [(b) the]

2741 (a) If a designated caregiver meets the requirements of Subsection (4)[-], the designated

2742 caregiver's medical cannabis caregiver card renews automatically at the time the cardholder

2743 described in Section 26-61a-201 who designated the caregiver:

2744 (i) renews the cardholder's card; and

2745 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

2746 (b) The department shall provide a method in the card renewal process to allow a

2747 cardholder described in Section 26-61a-201 who has designated a caregiver to:

2748 (i) signify that the cardholder renews the caregiver's designation;

2749 (ii) remove a caregiver's designation; or

2750 (iii) designate a new caregiver.

2751 [(8) A designated caregiver may not charge an individual a fee to act as the individual's

2752 designated caregiver or for services provided.]

2753 [(9)] (8) The [Department of Health] department may revoke a [designated caregiver's]

2754 medical cannabis caregiver card if the [~~individual~~] designated caregiver:

2755 (a) violates this chapter; or

2756 (b) is convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal law of:

2757 (i) a felony; or

2758 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2759 Section 61. Section ~~26-61a-203~~, which is renumbered from Section 26-60b-203 is
2760 renumbered and amended to read:

2761 ~~[26-60b-203].~~ **26-61a-203. Designated caregiver -- Guardian -- Criminal**

2762 **background check.**

2763 (1) [~~An individual registered as a designated caregiver~~] Each applicant for a medical
2764 cannabis guardian card under Section [26-60b-202] 26-61a-201 or a medical cannabis
2765 caregiver card under Section 26-61a-202 shall:

2766 (a) submit [~~to a criminal background check in accordance with Subsection (2).(2) Each~~
2767 ~~designated caregiver shall~~] to the department, at the time of application:

2768 [(a)] (i) [~~submit, to the department,~~] a fingerprint card in a form acceptable to the
2769 [~~department and the~~] Department of Public Safety; and

2770 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
2771 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next

2772 Generation Identification System's Rap Back Service; and

2773 (b) consent to a fingerprint background check by:

2774 (i) the [~~Utah~~] Bureau of Criminal Identification; and

2775 (ii) the Federal Bureau of Investigation.

2776 [(3)] (2) The [~~Department of Public Safety~~] Bureau of Criminal Identification shall:

2777 (a) [~~complete a Federal Bureau of Investigation Criminal Background Check for each~~
2778 ~~designated caregiver~~] check the fingerprints the applicant submits under Subsection [(2) and]

2779 (1)(a) against the applicable state, regional, and national criminal records databases, including
2780 the Federal Bureau of Investigation Next Generation Identification System;

2781 (b) report the results of the background check to the department[-];

2782 (c) maintain a separate file of fingerprints that applicants submit under Subsection

2783 (1)(a) for search by future submissions to the local and regional criminal records databases,

2784 including latent prints;

2785 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2786 Generation Identification System's Rap Back Service for search by future submissions to
2787 national criminal records databases, including the Next Generation Identification System and
2788 latent prints; and

2789 (e) establish a privacy risk mitigation strategy to ensure that the department only
2790 receives notifications for an individual with whom the department maintains an authorizing
2791 relationship.

2792 (3) The department shall:

2793 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
2794 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2795 Bureau of Criminal Identification or another authorized agency provides under this section; and

2796 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
2797 Identification.

2798 Section 62. Section **26-61a-204**, which is renumbered from Section 26-60b-204 is
2799 renumbered and amended to read:

2800 ~~[26-60b-204].~~ **26-61a-204. Medical cannabis card -- Patient and designated**
2801 **caregiver requirements -- Rebuttable presumption.**

2802 (1) (a) ~~[An individual who has a]~~ A medical cannabis [card and] cardholder who
2803 possesses cannabis in a medicinal dosage form or a cannabis product [outside of] in a
2804 medicinal dosage form that the [individual's residence] cardholder purchased under this chapter
2805 shall:

2806 ~~[(a)]~~ (i) ~~carry[, with the individual]~~ at all times~~;~~ the ~~[individual's]~~ cardholder's
2807 medical cannabis card;

2808 ~~[(b)]~~ (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a
2809 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

2810 (A) was [originally] sold from a licensed medical cannabis [dispensary and] pharmacy
2811 or the state central fill medical cannabis pharmacy; and

2812 (B) includes an identification number that links the cannabis or cannabis product to the
2813 inventory control system; and

2814 ~~[(c)]~~ (iii) possess not more than [four ounces]:

2815 (A) 113 grams of unprocessed cannabis; or

2816 (B) an amount of cannabis product that contains 20 [or fewer] grams of total composite
2817 tetrahydrocannabinol [or cannabidiol].

2818 (b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form
2819 or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

2820 (i) guilty of an infraction; and

2821 (ii) subject to a \$100 fine.

2822 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of
2823 unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40
2824 grams of total composite tetrahydrocannabinol is:

2825 (i) guilty of a class B misdemeanor; and

2826 (ii) subject to a fine of \$1,000.

2827 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
2828 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
2829 conduct underlying the penalty described in Subsection (1)(b) or (c).

2830 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed
2831 cannabis or a total amount of cannabis product that contains more than 40 grams of total
2832 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,
2833 Utah Controlled Substances Act.

2834 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
2835 as that term is defined in Section [31A-22-627](#).

2836 ~~[(a)]~~ (b) Except as described in Subsection ~~[(2)(b), an individual who has]~~ (2)(c), a
2837 medical cannabis ~~[card]~~ patient cardholder or a provisional patient cardholder may not use, in
2838 public view, cannabis or a cannabis product ~~[in public view].~~

2839 ~~[(b)]~~ (c) ~~[An]~~ In the event of an emergency medical condition, an individual described
2840 in Subsection (2)(b) may use ~~[cannabis or a cannabis product],~~ and the holder of a medical
2841 cannabis guardian card or a medical cannabis caregiver card may administer to the cardholder's
2842 charge, in public view ~~[in the event of a medical emergency],~~ cannabis in a medicinal dosage
2843 form or a cannabis product in a medicinal dosage form.

2844 (3) If ~~[an individual]~~ a medical cannabis cardholder carrying the cardholder's card
2845 possesses cannabis in a medicinal dosage form or a cannabis product in compliance with
2846 Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis

2847 product:

2848 (a) there is a rebuttable presumption that the [individual] cardholder possesses the
2849 cannabis, cannabis product, or medical cannabis device legally; and

2850 (b) ~~[a law enforcement officer does not have]~~ there is no probable cause, based solely
2851 on the [individual's] cardholder's possession of the cannabis, cannabis product, or medical
2852 cannabis device, to believe that the [individual] cardholder is engaging in illegal activity.

2853 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
2854 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
2855 device, and the individual represents to the law enforcement officer that the individual holds a
2856 valid medical cannabis card, but the individual does not have the medical cannabis card in the
2857 individual's possession at the time of the stop by the law enforcement officer, the law
2858 enforcement officer shall attempt to access the state electronic verification system to determine
2859 whether the individual holds a valid medical cannabis card.

2860 (b) If the law enforcement officer is able to verify that the individual described in
2861 Subsection (4)(a) [~~holds~~] is a valid medical cannabis [~~card~~] cardholder, the law enforcement
2862 officer:

2863 (i) may not arrest or take the individual into custody for the sole reason that the
2864 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
2865 medicinal dosage form, or a medical cannabis device; and

2866 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

2867 ~~[(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis~~
2868 ~~device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject~~
2869 ~~to a \$100 fine.]~~

2870 Section 63. Section **26-61a-205** is enacted to read:

2871 **26-61a-205. Lost or stolen medical cannabis card.**

2872 (1) If a medical cannabis card is lost or stolen, the medical cannabis cardholder shall
2873 report the lost or stolen card to the department.

2874 (2) Upon receiving the report described in Subsection (1), the department shall
2875 designate the medical cannabis card as lost or stolen in the state electronic verification system.

2876 (3) A medical cannabis pharmacy agent or a local health department distribution agent
2877 may confiscate a medical cannabis card that is designated as lost or stolen in accordance with

2878 Subsection (2) if an individual presents the card at the relevant medical cannabis pharmacy or
 2879 local health department.

2880 (4) To request a new medical cannabis card, the medical cannabis cardholder described
 2881 in Subsection (1) shall:

2882 (a) complete a form that the department designates; and

2883 (b) pay a fee in an amount that, subject to Subsection 26-61a-109(5), the department
 2884 sets in accordance with Section 63J-1-504.

2885 Section 64. Section **26-61a-301**, which is renumbered from Section 26-60b-301 is
 2886 renumbered and amended to read:

2887 **Part 3. Medical Cannabis Pharmacy License.**

2888 ~~[26-60b-301].~~ **26-61a-301. Medical cannabis pharmacy -- License --**
 2889 **Eligibility.**

2890 (1) A person may not operate as a medical cannabis [dispensary] pharmacy without a
 2891 license ~~[issued by]~~ that the department [issued] issues under this part.

2892 (2) (a) Subject to ~~[Subsections (5)]~~ Subsections (4) and (5) and to Section
 2893 ~~[26-60b-304]~~ 26-61a-305, the department shall, ~~[within 90 business days after receiving a~~
 2894 ~~complete application]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue
 2895 a license to operate a medical cannabis [dispensary] pharmacy to ~~[a person who]~~ an applicant
 2896 who is eligible for a license under this section.

2897 (b) An applicant is eligible for a license under this section if the applicant submits to
 2898 the department:

2899 ~~[(a)]~~ (i) subject to Subsection (2)(c), a proposed name and address where the [person]
 2900 applicant will operate the medical cannabis [dispensary] pharmacy ~~[that is not within 600 feet~~
 2901 ~~of a community location or within 300 feet of an area zoned exclusively for residential use, as~~
 2902 ~~measured from the nearest entrance to the cannabis production establishment by following the~~
 2903 ~~shortest route of ordinary pedestrian travel to the property boundary of the community location~~
 2904 ~~or residential area];~~

2905 ~~[(b)]~~ (ii) the name and address of [any] an individual who:

2906 (A) has a financial or voting interest of ~~[two percent]~~ 2% or greater in the proposed
 2907 medical cannabis [dispensary] pharmacy; or [who]

2908 (B) has the power to direct or cause the management or control of a proposed cannabis

2909 production establishment;

2910 ~~[(e)]~~ (iii) ~~[financial statements demonstrating that the person possesses a minimum of~~
2911 ~~\$250,000 in liquid assets available]~~ evidence that the applicant has obtained and maintains a
2912 performance bond that a surety authorized to transact surety business in the state issues in an
2913 amount of at least \$125,000 for each application [submitted] that the applicant submits to the
2914 department;

2915 ~~[(d)]~~ (iv) an operating plan that:

2916 (A) complies with Section ~~[26-60b-303]~~ 26-61a-304; and ~~[that]~~

2917 (B) includes operating procedures to comply with the operating requirements for a
2918 medical cannabis [dispensary] pharmacy described in this chapter and with ~~[any laws adopted~~
2919 ~~by the municipality]~~ a relevant municipal or county law that [are] is consistent with Section
2920 [26-60b-506] 26-61a-507;

2921 ~~[(e) if the municipality or county where the proposed cannabis production~~
2922 ~~establishment would be located has enacted zoning restrictions, a sworn statement certifying~~
2923 ~~that the proposed cannabis dispensary is in compliance with the restrictions;]~~

2924 ~~[(f)]~~ (v) if the municipality or county where the proposed medical cannabis
2925 [dispensary] pharmacy would be located requires a local land use permit [or license], a copy of
2926 the person's approved application for the local land use permit [or license]; and

2927 ~~[(g)]~~ (vi) an application fee ~~[established by]~~ in an amount that, subject to Subsection
2928 26-61a-109(5), the department sets in accordance with Section 63J-1-504 [that is necessary to
2929 cover the department's cost to implement this part;].

2930 (c) (i) A person may not locate a medical cannabis pharmacy in or within 600 feet of an
2931 area that the relevant municipality or county has zoned as primarily residential.

2932 (ii) An applicant for a license under this section shall provide evidence of compliance
2933 with the proximity requirement described in Subsection (2)(c)(i).

2934 (d) Except as provided in Subsection (2)(c), a medical cannabis pharmacy is a
2935 permitted use in all zoning districts within a municipality or county.

2936 (e) If the department receives more than one application for a medical cannabis
2937 pharmacy within the same city or town, the department shall consult with the local land use
2938 authority before approving any of the applications pertaining to that city or town.

2939 ~~[(4)]~~ (3) If the department determines that ~~[a cannabis dispensary]~~ an applicant is

2940 eligible for a license under this section, the department shall:

2941 (a) charge the ~~[cannabis dispensary]~~ applicant an initial license fee in an amount
2942 ~~[determined by]~~ that, subject to Subsection 26-61a-109(5), the department sets in accordance
2943 with Section 63J-1-504[-]; and

2944 (b) notify the Department of Public Safety of the license approval and the names of
2945 each individual described in Subsection (2)(b)(ii).

2946 ~~[(5)]~~ (4) The department may not issue a license to operate a medical cannabis
2947 ~~[dispensary]~~ pharmacy to an applicant if ~~[any]~~ an individual ~~[who has a financial or voter~~
2948 ~~interest of two percent or greater in the cannabis dispensary applicant or who has power to~~
2949 ~~direct or cause the management or control of the applicant]~~ described in Subsection (2)(b)(ii):

2950 (a) has been convicted ~~[of an offense that is a felony]~~ under ~~[either]~~ state or federal
2951 law~~[-or]~~ of:

2952 (i) a felony; or

2953 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

2954 (b) is ~~[less]~~ younger than 21 years ~~[of age]~~ old.

2955 (5) If an applicant for a medical cannabis pharmacy license under this section holds a
2956 license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 4, Chapter 41a,
2957 Cannabis Production Establishments, the department:

2958 (a) shall consult with the Department of Agriculture and Food regarding the applicant;
2959 and

2960 (b) may not give preference to the applicant based on the applicant's status as a holder
2961 of a license described in this Subsection (5).

2962 (6) The department may revoke a license under this part if:

2963 (a) the medical cannabis ~~[dispensary is not operating]~~ pharmacy does not begin
2964 operations within one year ~~[of the issuance of]~~ after the day on which the department issues the
2965 initial license[-];

2966 (b) the medical cannabis pharmacy makes the same violation of this chapter three
2967 times; or

2968 (c) an individual described in Subsection (2)(a)(ii) is convicted, while the license is
2969 active, under state or federal law of:

2970 (i) a felony; or

2971 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2972 (7) The department shall deposit the proceeds of a fee imposed by this section in the
2973 ~~[Medical Cannabis Restricted]~~ Qualified Patient Enterprise Account.

2974 (8) The department shall begin accepting applications under this part ~~[no later than]~~ on
2975 or before March 1, 2020.

2976 (9) The department's authority to issue a license under this section is plenary and is not
2977 subject to review.

2978 Section 65. Section ~~26-61a-302~~, which is renumbered from Section 26-60b-402 is
2979 renumbered and amended to read:

2980 ~~[26-60b-402]~~. **26-61a-302. Medical cannabis pharmacy owners and**
2981 **directors -- Criminal background checks.**

2982 (1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the
2983 time of application, from each individual who has a financial or voting interest of ~~[two percent]~~
2984 2% or greater in the applicant or who has the power to direct or cause the management or
2985 control of the applicant:

2986 (a) a fingerprint card in a form acceptable to the ~~[department; and]~~ Department of
2987 Public Safety;

2988 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
2989 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
2990 Generation Identification System's Rap Back Service; and

2991 ~~[(b)]~~ (c) consent to a fingerprint background check by:

2992 (i) the [Utah] Bureau of Criminal Identification; and

2993 (ii) the Federal Bureau of Investigation.

2994 ~~[(2) The department shall request that the Department of Public Safety complete a~~
2995 ~~Federal Bureau of Investigation criminal background check for each individual described in~~
2996 ~~Subsection (1).]~~

2997 (2) The Bureau of Criminal Identification shall:

2998 (a) check the fingerprints the applicant submits under Subsection (1) against the
2999 applicable state, regional, and national criminal records databases, including the Federal
3000 Bureau of Investigation Next Generation Identification System;

3001 (b) report the results of the background check to the department;

3002 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
3003 for search by future submissions to the local and regional criminal records databases, including
3004 latent prints;

3005 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
3006 Generation Identification System's Rap Back Service for search by future submissions to
3007 national criminal records databases, including the Next Generation Identification System and
3008 latent prints; and

3009 (e) establish a privacy risk mitigation strategy to ensure that the department only
3010 receives notifications for an individual with whom the department maintains an authorizing
3011 relationship.

3012 (3) The department shall:

3013 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
3014 amount that the department sets in accordance with Section 63J-1-504 for the services that the
3015 Bureau of Criminal Identification or another authorized agency provides under this section; and

3016 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
3017 Identification.

3018 Section 66. Section **26-61a-303**, which is renumbered from Section 26-60b-302 is
3019 renumbered and amended to read:

3020 ~~[26-60b-302].~~ **26-61a-303. Renewal.**

3021 (1) ~~[Except as provided in Subsection (3), the]~~ The department shall renew a ~~[person's]~~
3022 license under this part every ~~[two years]~~ year if, at the time of renewal:

3023 (a) the ~~[person]~~ licensee meets the requirements of Section ~~[26-60b-301]~~ 26-61a-301;
3024 and

3025 (b) the ~~[person]~~ licensee pays the department a license renewal fee in an amount
3026 ~~[determined by]~~ that, subject to Subsection 26-61a-109(5), the department sets in accordance
3027 with Section 63J-1-504.

3028 (2) (a) If a licensed medical cannabis ~~[dispensary]~~ pharmacy abandons the medical
3029 cannabis ~~[dispensary's]~~ pharmacy's license, the department shall publish notice of an available
3030 license:

3031 (i) in a newspaper of general circulation for the geographic area in which the medical
3032 cannabis ~~[dispensary]~~ pharmacy license is available; or

3033 (ii) on the Utah Public Notice Website established in Section 63F-1-701.

3034 (b) The department may establish criteria, in collaboration with the Division of
 3035 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
 3036 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~[for what actions by a]~~ to identify
 3037 the medical cannabis [dispensary] pharmacy actions that constitute abandonment of a medical
 3038 cannabis [dispensary] pharmacy license.

3039 Section 67. Section ~~26-61a-304~~, which is renumbered from Section 26-60b-303 is
 3040 renumbered and amended to read:

3041 ~~[26-60b-303].~~ **26-61a-304. Operating plan.**

3042 [(1)] A person applying for a medical cannabis [dispensary] pharmacy license shall
 3043 submit to the department a proposed operation plan for the medical cannabis [dispensary]
 3044 pharmacy that complies with this section and that includes:

3045 [(a)] (1) a description of the physical characteristics of the proposed facility, including
 3046 a floor plan and an architectural elevation;

3047 [(b)] (2) a description of the credentials and experience of:

3048 [(i)] (a) each officer, director, or owner of the proposed medical cannabis [dispensary]
 3049 pharmacy; and

3050 [(ii)] (b) any highly skilled or experienced prospective employee;

3051 [(c)] (3) the medical cannabis [dispensary's] pharmacy's employee training standards;

3052 [(d)] (4) a security plan; ~~[and]~~

3053 [(e)] (5) a description of the medical cannabis [dispensary's] pharmacy's inventory
 3054 control system, including a plan to make the inventory control system compatible with the state
 3055 electronic verification system[-]; and

3056 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
 3057 manner that is sanitary and preserves the integrity of the cannabis.

3058 Section 68. Section ~~26-61a-305~~, which is renumbered from Section 26-60b-304 is
 3059 renumbered and amended to read:

3060 ~~[26-60b-304].~~ **26-61a-305. Maximum number of licenses.**

3061 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(b), the department may not issue
 3062 more than [the greater of, in each county in the state:] seven medical cannabis pharmacy
 3063 licenses.

3064 ~~[(a) one cannabis dispensary license; or]~~
3065 ~~[(b) an amount of cannabis dispensary licenses equal to the number of residents in the~~
3066 ~~county divided by 150,000, rounded up to the nearest greater whole number.]~~

3067 (b) (i) In addition to the licenses described in Subsection (1)(a), the department shall
3068 issue an eighth license if the state central fill medical cannabis pharmacy:

3069 (A) is not operational by January 1, 2021; or

3070 (B) ceases operations after January 1, 2021.

3071 (ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the
3072 department shall issue a ninth license if the state central fill medical cannabis pharmacy:

3073 (A) is not operational by July 1, 2021; or

3074 (B) ceases operations after July 1, 2021.

3075 (iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),
3076 the department shall issue a tenth license if the state central fill medical cannabis pharmacy:

3077 (A) is not operational by January 1, 2022; or

3078 (B) ceases operations after January 1, 2022.

3079 (iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and
3080 (iii), if a final order of a court enjoins or invalidates the operation of the state central fill
3081 medical cannabis pharmacy.

3082 (2) If there are more qualified applicants than there are available licenses for medical
3083 cannabis [dispensaries] pharmacies, the department shall:

3084 (a) evaluate [the applicants] each applicant and award the license to the applicant that
3085 best demonstrates:

3086 ~~[(a)]~~ (i) experience with establishing and successfully operating a business that
3087 involves complying with a regulatory environment, tracking inventory, and training, evaluating,
3088 and monitoring employees;

3089 ~~[(b)]~~ (ii) an operating plan that will best ensure the safety and security of patrons and
3090 the community;

3091 ~~[(c)]~~ (iii) positive connections to the local community;

3092 ~~[(d)]~~ (iv) the suitability of the proposed location and [its] the location's accessibility for
3093 qualifying patients; and

3094 ~~[(e)]~~ (v) the extent to which the applicant can reduce the cost of cannabis or cannabis

3095 products for patients[-]; and

3096 (b) ensure a geographic dispersal among licensees that is sufficient to reasonably
 3097 maximize access to the largest number of medical cannabis cardholders.

3098 (3) The department may conduct a face-to-face interview with an applicant for a
 3099 license that the department evaluates under Subsection (2).

3100 Section 69. Section **26-61a-401**, which is renumbered from Section 26-60b-401 is
 3101 renumbered and amended to read:

3102 **Part 4. Medical Cannabis Pharmacy Agents**

3103 ~~[26-60b-401].~~ **26-61a-401. Medical cannabis pharmacy agent --**

3104 **Registration.**

3105 (1) An individual may not serve as a medical cannabis [dispensary] pharmacy agent of
 3106 a medical cannabis [dispensary] pharmacy unless [the individual is registered by] the
 3107 department registers the individual as a medical cannabis [dispensary] pharmacy agent.

3108 (2) ~~[A physician]~~ Except as provided in Section 26-61a-403, the following individuals,
 3109 regardless of the individual's status as a qualified medical provider, may not act as a medical
 3110 cannabis [dispensary] pharmacy agent[-], have a financial or voting interest of 2% or greater in
 3111 a medical cannabis pharmacy, or have the power to direct or cause the management or control
 3112 of a medical cannabis pharmacy:

3113 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
 3114 Practice Act; or

3115 (b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
 3116 58, Chapter 68, Utah Osteopathic Medical Practice Act.

3117 (3) (a) The department shall, within 15 days after [receiving] the day on which the
 3118 department receives a complete application from a medical cannabis [dispensary] pharmacy on
 3119 behalf of a prospective medical cannabis [dispensary] pharmacy agent, register and issue a
 3120 medical cannabis [dispensary] pharmacy agent registration card to [an individual who] the
 3121 prospective agent if the medical cannabis pharmacy:

3122 ~~[(a)]~~ (i) provides to the department:

3123 (A) the [individual's] prospective agent's name and address [and];

3124 (B) the name and location of the licensed medical cannabis [dispensary] pharmacy
 3125 where the [individual] prospective agent seeks to act as the medical cannabis [dispensary]

3126 pharmacy agent; [and]
3127 (C) the submission required under Subsection (3)(b); and
3128 [(b)] (ii) pays a fee to the department[-;] in an amount [~~determined by~~] that, subject to
3129 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#)[-; that is
3130 necessary to cover the department's cost to implement this part].
3131 (b) Each prospective agent described in Subsection (3)(a) shall:
3132 (i) submit to the department:
3133 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
3134 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
3135 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
3136 Generation Identification System's Rap Back Service; and
3137 (ii) consent to a fingerprint background check by:
3138 (A) the Bureau of Criminal Identification; and
3139 (B) the Federal Bureau of Investigation.
3140 (c) The Bureau of Criminal Identification shall:
3141 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
3142 the applicable state, regional, and national criminal records databases, including the Federal
3143 Bureau of Investigation Next Generation Identification System;
3144 (ii) report the results of the background check to the department;
3145 (iii) maintain a separate file of fingerprints that prospective agents submit under
3146 Subsection (3)(b) for search by future submissions to the local and regional criminal records
3147 databases, including latent prints;
3148 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
3149 Generation Identification System's Rap Back Service for search by future submissions to
3150 national criminal records databases, including the Next Generation Identification System and
3151 latent prints; and
3152 (v) establish a privacy risk mitigation strategy to ensure that the department only
3153 receives notifications for an individual with whom the department maintains an authorizing
3154 relationship.
3155 (d) The department shall:
3156 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an

3157 amount that the department sets in accordance with Section 63J-1-504 for the services that the
3158 Bureau of Criminal Identification or another authorized agency provides under this section; and

3159 (ii) remit the fee described in Subsection (3)(d) to the Bureau of Criminal
3160 Identification.

3161 (4) The department shall designate, on an individual's medical cannabis [~~dispensary~~]
3162 pharmacy agent registration card[;] the name of the medical cannabis [~~dispensary~~] pharmacy
3163 where the individual is registered as an agent.

3164 (5) A medical cannabis [~~dispensary~~] pharmacy agent shall comply with a certification
3165 standard [~~developed by the department~~] that the department develops in collaboration with the
3166 Division of Occupational and Professional Licensing and the Board of Pharmacy, or a [third
3167 party] third-party certification standard [designated by] that the department[;] designates by
3168 rule [made], in collaboration with the Division of Occupational and Professional Licensing and
3169 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
3170 Rulemaking Act.

3171 (6) The department shall ensure that the certification standard described in Subsection
3172 (5) [shall include] includes training in:

3173 (a) Utah medical cannabis law; and

3174 (b) medical cannabis [~~dispensary~~] pharmacy best practices.

3175 (7) The department may revoke [~~or refuse to issue~~] the medical cannabis [~~dispensary~~]
3176 pharmacy agent registration card of or refuse to issue a medical cannabis pharmacy agent
3177 registration card to an individual who:

3178 (a) violates the requirements of this chapter; or

3179 (b) is convicted [~~of an offense that is a felony~~] under state or federal law[;] of:

3180 (i) a felony; or

3181 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

3182 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
3183 day on which the department issues or renews the card.

3184 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
3185 agent:

3186 (i) is eligible for a medical cannabis pharmacy agent registration card under this
3187 section;

3188 (ii) certifies to the department in a renewal application that the information in
3189 Subsection (3)(a) is accurate or updates the information; and
3190 (iii) pays to the department a renewal fee in an amount that:
3191 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
3192 Section 63J-1-504; and
3193 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
3194 comparison to the original application process.

3195 Section 70. Section ~~26-61a-402~~, which is renumbered from Section 26-60b-403 is
3196 renumbered and amended to read:

3197 ~~[26-60b-403]~~. **26-61a-402. Medical cannabis pharmacy agent registration**
3198 **card -- Rebuttable presumption.**

3199 (1) A medical cannabis [dispensary] pharmacy agent [who is registered with the
3200 department under section ~~426-60b-401~~] shall carry the individual's medical cannabis
3201 [dispensary] pharmacy agent registration card with the individual at all times when:

3202 (a) the individual is on the premises of a medical cannabis [dispensary] pharmacy; and

3203 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
3204 product in a medicinal dosage form, or a medical cannabis device between [~~two cannabis~~
3205 ~~production establishments or between~~] a cannabis production establishment and a medical
3206 cannabis [dispensary] pharmacy.

3207 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
3208 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [at a
3209 cannabis dispensary;] or transporting cannabis in a medicinal dosage form, a cannabis product
3210 in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis
3211 product, or medical cannabis device in compliance with Subsection (1):

3212 (a) there is a rebuttable presumption that the individual possesses the cannabis,
3213 cannabis product, or medical cannabis device legally; and

3214 (b) [~~a law enforcement officer does not have~~] there is no probable cause, based solely
3215 on the individual's possession of the cannabis, cannabis product, or medical cannabis device in
3216 compliance with Subsection (1), [to believe] that the individual is engaging in illegal activity.

3217 (3) (a) [~~An individual who violates~~] A medical cannabis pharmacy agent who fails to
3218 carry the agent's medical cannabis pharmacy agent registration card in accordance with

3219 Subsection (1) is:

3220 (i) for a first or second offense in a two-year period:

3221 ~~[(a)] (A) guilty of an infraction; and~~

3222 ~~[(b)] (B) is subject to a \$100 fine[-]; or~~

3223 (ii) for a third or subsequent offense in a two-year period:

3224 (A) guilty of a class C misdemeanor; and

3225 (B) subject to a \$750 fine.

3226 (b) (i) The prosecuting entity shall notify the department and the relevant medical

3227 cannabis pharmacy of each conviction under Subsection (3)(a).

3228 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the

3229 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule

3230 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah

3231 Administrative Rulemaking Act.

3232 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not

3233 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

3234 underlying the violation described in Subsection (3)(a).

3235 Section 71. Section **26-61a-403** is enacted to read:

3236 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

3237 (1) (a) A medical cannabis pharmacy:

3238 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy

3239 Practice Act, as a pharmacy medical provider;

3240 (ii) may employ a physician who has the authority to write a prescription and is

3241 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah

3242 Osteopathic Medical Practice Act, as a pharmacy medical provider;

3243 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)

3244 works onsite during all business hours; and

3245 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as

3246 the pharmacist-in-charge to oversee the operation of and generally supervise the medical

3247 cannabis pharmacy.

3248 (b) An individual may not serve as a pharmacy medical provider unless the department

3249 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

3250 (2) (a) The department shall, within 15 days after the day on which the department
3251 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
3252 medical provider, register and issue a pharmacy medical provider registration card to the
3253 prospective pharmacy medical provider if the medical cannabis pharmacy:

3254 (i) provides to the department:

3255 (A) the prospective pharmacy medical provider's name and address;

3256 (B) the name and location of the licensed medical cannabis pharmacy where the
3257 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

3258 (C) a report detailing the completion of the continuing education requirement described
3259 in Subsection (3); and

3260 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
3261 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
3262 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
3263 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3264 (ii) pays a fee to the department in an amount that, subject to Subsection
3265 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3266 (b) The department may not register a qualified medical provider or a state central fill
3267 medical provider as a pharmacy medical provider.

3268 (3) (a) A pharmacy medical provider shall complete the continuing education described
3269 in this Subsection (3) in the following amounts:

3270 (i) as a condition precedent to registration, four hours; and

3271 (ii) as a condition precedent to renewal of the registration, four hours every two years.

3272 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

3273 (i) complete continuing education:

3274 (A) regarding the topics described in Subsection (3)(d); and

3275 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3276 continuing education provider that the department recognizes as offering continuing education
3277 appropriate for the medical cannabis pharmacy practice; and

3278 (ii) make a continuing education report to the department in accordance with a process
3279 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3280 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and

3281 Professional Licensing and:

3282 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,

3283 Pharmacy Practice Act, the Board of Pharmacy;

3284 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical

3285 Practice Act, the Physicians Licensing Board; and

3286 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah

3287 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

3288 (c) The department may, in consultation with the Division of Occupational and

3289 Professional Licensing, develop the continuing education described in this Subsection (3).

3290 (d) The continuing education described in this Subsection (3) may discuss:

3291 (i) the provisions of this chapter;

3292 (ii) general information about medical cannabis under federal and state law;

3293 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,

3294 including risks and benefits;

3295 (iv) recommendations for medical cannabis as it relates to the continuing care of a

3296 patient in pain management, risk management, potential addiction, and palliative care; or

3297 (v) best practices for recommending the form and dosage of a medical cannabis

3298 product based on the qualifying condition underlying a medical cannabis recommendation.

3299 (4) (a) A pharmacy medical provider registration card expires two years after the day

3300 on which the department issues or renews the card.

3301 (b) A pharmacy medical provider may renew the provider's registration card if the

3302 provider:

3303 (i) is eligible for a pharmacy medical provider registration card under this section;

3304 (ii) certifies to the department in a renewal application that the information in

3305 Subsection (2)(a) is accurate or updates the information;

3306 (iii) submits a report detailing the completion of the continuing education requirement

3307 described in Subsection (3); and

3308 (iv) pays to the department a renewal fee in an amount that:

3309 (A) subject to Subsection [26-61a-109\(5\)](#), the department sets in accordance with

3310 Section [63J-1-504](#); and

3311 (B) may not exceed the cost of the relatively lower administrative burden of renewal in

3312 comparison to the original application process.

3313 Section 72. Section ~~26-61a-501~~, which is renumbered from Section 26-60b-501 is
3314 renumbered and amended to read:

3315 **Part 5. Medical Cannabis Pharmacy Operation**

3316 ~~[26-60b-501].~~ **26-61a-501. Operating requirements -- General.**

3317 (1) (a) A medical cannabis [~~dispensary~~] pharmacy shall operate;

3318 (i) at the physical address provided to the department under Section 26-61a-301; and

3319 (ii) in accordance with the operating plan provided to the department under [Section
3320 ~~26-60b-303]~~ Section 26-61a-301 and, if applicable, 26-61a-304.

3321 (b) A medical cannabis [~~dispensary~~] pharmacy shall notify the department before a
3322 change in the medical cannabis [~~dispensary's~~] pharmacy's physical address or operating plan.

3323 (2) [~~A~~] An individual may not enter a medical cannabis [~~dispensary shall operate~~]
3324 pharmacy unless the individual:

3325 (a) is at least 18 years old; and

3326 [~~(a)~~] (b) except as provided in Subsection (5), [in a facility that is accessible only by an
3327 individual with] possesses a valid:

3328 (i) medical cannabis [~~dispensary~~] pharmacy agent registration card; or [a]

3329 (ii) medical cannabis card[~~; and~~].

3330 [~~(b)~~] at the physical address provided to the department under Section 26-60b-301.

3331 (3) A medical cannabis [~~dispensary~~] pharmacy may not employ [~~any person~~] an
3332 individual who is younger than 21 years [~~of age~~] old.

3333 (4) A medical cannabis [~~dispensary shall conduct a background check into the criminal~~
3334 history of every person who will become an agent of the cannabis dispensary and] pharmacy
3335 may not employ [any person] an individual who has been convicted of [~~an offense that is~~] a
3336 felony under [either] state or federal law.

3337 (5) [~~A~~] Notwithstanding Subsection (2), a medical cannabis [~~dispensary~~] pharmacy
3338 may authorize an individual who is not a medical cannabis [~~dispensary~~] pharmacy agent to
3339 access the medical cannabis [~~dispensary~~] pharmacy if the medical cannabis [~~dispensary~~]
3340 pharmacy tracks and monitors the individual at all times while the individual is at the medical
3341 cannabis [dispensary] pharmacy and maintains a record of the individual's access.

3342 (6) A medical cannabis [~~dispensary~~] pharmacy shall operate in a facility that has:

- 3343 (a) a single, secure public entrance;
- 3344 (b) a security system with a backup power source that:
- 3345 (i) detects and records entry into the medical cannabis [~~dispensary~~] pharmacy; and
- 3346 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 3347 cannabis [~~dispensary~~] pharmacy is closed; and
- 3348 (c) a lock on [~~any~~] each area where the medical cannabis [~~dispensary~~] pharmacy stores
- 3349 cannabis or a cannabis product.
- 3350 (7) A medical cannabis [~~dispensary~~] pharmacy shall post, both clearly and
- 3351 conspicuously in the medical cannabis [~~dispensary~~] pharmacy, the limit on the purchase of
- 3352 cannabis described in Subsection [~~26-60b-502(3)~~] 26-61a-502(2).
- 3353 (8) A medical cannabis [~~dispensary~~] pharmacy may not allow any individual to
- 3354 consume cannabis on the property or premises of the medical cannabis [~~dispensary~~] pharmacy.
- 3355 (9) A medical cannabis [~~dispensary~~] pharmacy may not sell cannabis or a cannabis
- 3356 product without first indicating on the cannabis or cannabis product label the name of the
- 3357 medical cannabis [~~dispensary~~] pharmacy.
- 3358 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 3359 following information regarding each recommendation underlying a transaction:
- 3360 (i) the qualified medical provider's name, address, and telephone number;
- 3361 (ii) the patient's name and address;
- 3362 (iii) the date of issuance;
- 3363 (iv) dosing parameters or an indication that the qualified medical provider did not
- 3364 recommend specific dosing parameters; and
- 3365 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 3366 cardholder who completed the transaction.
- 3367 (b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless
- 3368 the cannabis or cannabis product has a label securely affixed to the container indicating the
- 3369 following minimum information:
- 3370 (i) the name, address, and telephone number of the medical cannabis pharmacy;
- 3371 (ii) the unique identification number that the medical cannabis pharmacy assigns;
- 3372 (iii) the date of the sale;
- 3373 (iv) the name of the patient;

3374 (v) the name of the qualified medical provider who recommended the medical cannabis
3375 treatment;

3376 (vi) directions for use and cautionary statements, if any;

3377 (vii) the amount dispensed and the cannabinoid content;

3378 (viii) the beyond use date; and

3379 (ix) any other requirements that the department determines, in consultation with the
3380 Division of Occupational and Professional Licensing and the Board of Pharmacy.

3381 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

3382 (a) unless the medical cannabis cardholder has had a consultation under Subsection
3383 26-61a-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of
3384 cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling
3385 with the pharmacy medical provider who is a pharmacist; and

3386 (b) provide a telephone number or website by which the cardholder may contact a
3387 pharmacy medical provider for counseling.

3388 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
3389 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
3390 medical cannabis device, or medical cannabis product in a locked box or other secure
3391 receptacle within the medical cannabis pharmacy.

3392 (b) A medical cannabis pharmacy with a disposal program described in Subsection
3393 (12)(a) shall ensure that only a medical cannabis pharmacy agent can access deposited medical
3394 cannabis or medical cannabis products.

3395 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
3396 medical cannabis products by:

3397 (i) rendering the deposited medical cannabis or medical cannabis products unusable
3398 and unrecognizable before transporting deposited medical cannabis or medical cannabis
3399 products from the medical cannabis pharmacy; and

3400 (ii) disposing of the deposited medical cannabis or medical cannabis products in
3401 accordance with:

3402 (A) federal and state law, rules, and regulations related to hazardous waste;

3403 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3404 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3405 (D) other regulations that the department makes in accordance with Title 63G, Chapter
 3406 3, Utah Administrative Rulemaking Act.

3407 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
 3408 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
 3409 by a medical cannabis pharmacy.

3410 Section 73. Section **26-61a-502**, which is renumbered from Section 26-60b-502 is
 3411 renumbered and amended to read:

3412 ~~[26-60b-502].~~ **26-61a-502. Dispensing -- Amount a cannabis dispensary**
 3413 **may dispense -- Reporting -- Form of cannabis or cannabis product.**

3414 (1) (a) A medical cannabis ~~[dispensary]~~ pharmacy may ~~[only]~~ not sell a product other
 3415 than, subject to this chapter:

3416 ~~[(a)]~~ (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy
 3417 acquired from a cannabis processing facility that is licensed under Section [4-41a-201](#);

3418 ~~[(b)]~~ (ii) a cannabis product in a medicinal dosage form that the medical cannabis
 3419 pharmacy acquired from a cannabis processing facility that is licensed under Section
 3420 [4-41a-201](#);

3421 ~~[(c)]~~ (iii) a medical cannabis device; or

3422 ~~[(d)]~~ (iv) educational ~~[materials]~~ material related to the medical use of cannabis.

3423 ~~[(2)]~~ (b) A medical cannabis ~~[dispensary]~~ pharmacy may only sell ~~[the items]~~ an item
 3424 listed in Subsection (1)(a) to an individual with:

3425 (i) a medical cannabis card ~~[issued by the department.]; and~~

3426 (ii) corresponding identification that is a valid United States federal- or state-issued
 3427 photo identification, including a driver license, a United States passport, a United States
 3428 passport card, or a United States military identification card.

3429 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
 3430 cannabis-based drug that the United States Food and Drug Administration has approved.

3431 ~~[(3)]~~ (2) A medical cannabis ~~[dispensary]~~ pharmacy may not dispense ~~[on behalf of any~~
 3432 ~~one individual with];~~

3433 (a) to a medical cannabis ~~[card,]~~ cardholder in any one ~~[14-day]~~ 12-day period, more
 3434 than the lesser of:

3435 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters

3436 that the relevant qualified medical provider recommends; or

3437 ~~[(a)]~~ (ii) (A) ~~[an amount]~~ 56 grams by weight of unprocessed cannabis that [exceeds
3438 two ounces by weight] is in a medicinal dosage form and that carries a label clearly displaying
3439 the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

3440 ~~[(b)]~~ (B) an amount of cannabis products that is in a medicinal dosage form and that
3441 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol [or
3442 cannabidiol];

3443 (b) to a medical cannabis cardholder whose primary residence is located more than 100
3444 miles from the nearest medical cannabis pharmacy or local health department, in any one
3445 28-day period, more than the lesser of:

3446 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
3447 that the relevant qualified medical provider recommends; or

3448 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
3449 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
3450 cannabidiol in the cannabis; or

3451 (B) an amount of cannabis products that is in a medicinal dosage form and that
3452 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

3453 (c) to an individual whose qualified medical provider did not recommend dosing
3454 parameters, until the individual consults with the pharmacy medical provider in accordance
3455 with Subsection (4), any cannabis or cannabis products.

3456 ~~[(4)]~~ (3) An individual with a medical cannabis card may not purchase:

3457 (a) more cannabis or cannabis products than the amounts designated in Subsection
3458 [~~(3)~~] (2) in any one [~~14-day~~] 12-day period[-]; or

3459 (b) if the relevant qualified medical provider did not recommend dosing parameters,
3460 until the individual consults with the pharmacy medical provider in accordance with
3461 Subsection (4), any cannabis or cannabis products.

3462 (4) If a qualified medical provider recommends treatment with medical cannabis or a
3463 cannabis product but does not provide dosing parameters:

3464 (a) the qualified medical provider shall document in the recommendation:

3465 (i) an evaluation of the qualifying condition underlying the recommendation;

3466 (ii) prior treatment attempts with cannabis and cannabis products; and

- 3467 (iii) the patient's current medication list; and
3468 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal
3469 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider
3470 shall:
3471 (i) review pertinent medical records, including the qualified medical provider
3472 documentation described in Subsection (4)(a); and
3473 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with
3474 the recommending qualified medical provider as needed, determine the best course of treatment
3475 through consultation with the cardholder regarding:
3476 (A) the patient's qualifying condition underlying the recommendation from the
3477 qualified medical provider;
3478 (B) indications for available treatments;
3479 (C) dosing parameters; and
3480 (D) potential adverse reactions.
3481 (5) A medial cannabis [~~dispensary~~] pharmacy shall:
3482 (a) (i) access the state electronic verification system before dispensing cannabis or a
3483 cannabis product to [an individual with] a medical cannabis [card] cardholder in order to
3484 determine if the [individual] cardholder or, where applicable, the associated patient has met the
3485 maximum amount of cannabis or cannabis products described in Subsection [(3)] (2); and
3486 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the
3487 maximum amount described in Subsection (2):
3488 (A) decline the sale; and
3489 (B) notify the qualified medical provider who made the underlying recommendation;
3490 (b) submit a record to the state electronic verification system each time the medical
3491 cannabis [~~dispensary~~] pharmacy dispenses cannabis or a cannabis product to [an individual
3492 with] a medical cannabis [card.] cardholder;
3493 (c) package any cannabis or cannabis product that is in a blister pack in a container
3494 that:
3495 (i) complies with Subsection 4-41a-602(2);
3496 (ii) is tamper-resistant and tamper-evident; and
3497 (iii) opaque; and

3498 (d) for a product that is a cube that is designed for ingestion through chewing or
3499 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
3500 of over-consumption.

3501 (6) (a) Except as provided in Subsection (6)(b), a medical cannabis [dispensary]
3502 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
3503 that is intentionally designed or constructed to resemble a cigarette.

3504 (b) A medial cannabis [dispensary] pharmacy may sell a medical cannabis device that
3505 warms cannabis material into a vapor without the use of a flame and that delivers cannabis to
3506 an individual's respiratory system.

3507 (7) A medical cannabis [dispensary] pharmacy may not give ~~[to an individual with a~~
3508 ~~medical cannabis card]~~, at no cost, a product that the medial cannabis [dispensary] pharmacy is
3509 allowed to sell under Subsection (1).

3510 (8) The department may impose a uniform fee on each medical cannabis cardholder
3511 transaction in a medical cannabis pharmacy in an amount that, subject to Subsection
3512 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3513 Section 74. Section **26-61a-503** is enacted to read:

3514 **26-61a-503. Partial filling.**

3515 (1) As used in this section, "partially fill" means to provide less than the full amount of
3516 cannabis or cannabis product that the qualified medical provider recommends, if the qualified
3517 medical provider recommended specific dosing parameters.

3518 (2) A pharmacy medical provider may partially fill a recommendation for a medical
3519 cannabis treatment at the request of the qualified medical provider who issued the medical
3520 cannabis treatment recommendation or the medical cannabis cardholder.

3521 (3) The department shall make rules, in collaboration with the Division of
3522 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
3523 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,
3524 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment
3525 recommendation.

3526 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
3527 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
3528 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical

3529 cannabis treatment recommendation if:

3530 (a) the pharmacy medical provider determined dosing parameters for the partial fill
3531 under Subsection 26-61a-502(4); and

3532 (b) the medical cannabis cardholder reports that:

3533 (i) the partial fill did not substantially affect the qualifying condition underlying the
3534 medical cannabis recommendation; or

3535 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
3536 unable to successfully use the partial fill.

3537 Section 75. Section **26-61a-504**, which is renumbered from Section 26-60b-503 is
3538 renumbered and amended to read:

3539 ~~[26-60b-503].~~ **26-61a-504. Inspections.**

3540 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
3541 treatment recommendation files and other records in accordance with this chapter, department
3542 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
3543 104-191, 110 Stat. 1936, as amended.

3544 (2) The department may inspect the records and facility of a medical cannabis
3545 [~~dispensary~~] pharmacy at any time during business hours in order to determine if the medical
3546 cannabis [~~dispensary~~] pharmacy complies with [~~the licensing requirements of this part~~] this
3547 chapter.

3548 (3) An inspection under this section may include:

3549 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
3550 physical or electronic information;

3551 (b) questioning of any relevant individual; or

3552 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
3553 or label.

3554 (4) In making an inspection under this section, the department may freely access any
3555 area and review and make copies of a book, record, paper, document, data, or other physical or
3556 electronic information, including financial data, sales data, shipping data, pricing data, and
3557 employee data.

3558 (5) Failure to provide the department or the department's authorized agents immediate
3559 access to records and facilities during business hours in accordance with this section may result

3560 in:

3561 (a) the imposition of a civil monetary penalty that the department sets in accordance
 3562 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3563 (b) license or registration suspension or revocation; or

3564 (c) an immediate cessation of operations under a cease and desist order that the
 3565 department issues.

3566 Section 76. Section **26-61a-505**, which is renumbered from Section 26-60b-504 is
 3567 renumbered and amended to read:

3568 ~~[26-60b-504].~~ **26-61a-505. Advertising.**

3569 (1) Except as provided in Subsections (2) and (3), a medical cannabis [dispensary]
 3570 pharmacy may not advertise in any medium.

3571 (2) A medical cannabis [dispensary] pharmacy may use signage on the outside of the
 3572 medical cannabis [dispensary] pharmacy that includes only:

3573 (a) the medical cannabis [dispensary's] pharmacy's name and hours of operation; and

3574 (b) a green cross.

3575 (3) A medical cannabis [dispensary] pharmacy may maintain a website that includes
 3576 information about:

3577 (a) the location and hours of operation of the medical cannabis [dispensary] pharmacy;

3578 (b) ~~[the products and services]~~ a product or service available at the medical cannabis
 3579 [dispensary] pharmacy;

3580 (c) personnel affiliated with the medical cannabis [dispensary] pharmacy;

3581 (d) best practices that the medical cannabis [dispensary] pharmacy upholds; and

3582 (e) educational ~~[materials]~~ material related to the medical use of cannabis.

3583 Section 77. Section **26-61a-506**, which is renumbered from Section 26-60b-505 is
 3584 renumbered and amended to read:

3585 ~~[26-60b-505].~~ **26-61a-506. Cannabis, cannabis product, or medical**
 3586 **cannabis device transportation.**

3587 (1) ~~[Except for an individual with a valid medical cannabis card, an individual]~~ Only
 3588 the following individuals may ~~[not]~~ transport cannabis in a medicinal dosage form, a cannabis
 3589 product in a medicinal dosage form, or a medical cannabis device ~~[unless the individual is]~~
 3590 under this chapter:

3591 (a) a registered medical cannabis [~~production establishment~~] pharmacy agent; [~~or~~]

3592 (b) a registered [~~cannabis dispensary~~] state central fill agent[-];

3593 (c) a courier for a state central fill shipment described in Section 26-61a-605; or

3594 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment

3595 that the cardholder is authorized to transport.

3596 (2) Except for an individual with a valid medical cannabis card[~~, an individual~~] under

3597 this chapter who is transporting a medical cannabis[~~, a cannabis product, or a medical cannabis~~

3598 ~~device~~] treatment that the cardholder is authorized to transport, an individual described in

3599 Subsection (1) shall possess a transportation manifest that:

3600 (a) includes a unique identifier that links the cannabis, cannabis product, or medical

3601 cannabis device to a relevant inventory control system;

3602 (b) includes origin and destination information for [~~any~~] cannabis, a cannabis product,

3603 or a medical cannabis device that the individual is transporting; and

3604 (c) [~~indicates~~] identifies the departure and arrival times and locations of the individual

3605 transporting the cannabis, cannabis product, or medical cannabis device.

3606 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may

3607 establish[-] by rule [~~made~~], in collaboration with the Division of Occupational and Professional

3608 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah

3609 Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage

3610 form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure

3611 that [~~are related to safety for human~~] the cannabis [~~or~~], cannabis product, or medical cannabis

3612 device remains safe for human consumption.

3613 (b) The transportation described in Subsection (3)(a) is limited to transportation:

3614 (i) between a medical cannabis pharmacy and another medical cannabis pharmacy; and

3615 (ii) between the state central fill medical cannabis pharmacy and:

3616 (A) another state central fill medical cannabis pharmacy location; or

3617 (B) a local health department.

3618 (4) (a) [~~An individual who transports cannabis, a cannabis product, or a medical~~

3619 ~~cannabis device~~] It is unlawful for a registered medical cannabis pharmacy agent, a registered

3620 state central fill agent, or a courier described in Section 26-61a-605 to make a transport

3621 described in this section with a manifest that does not meet the requirements of [~~Subsection (2)~~]

3622 is:] this section.

3623 (b) Except as provided in Subsection (4)(d), an agent or courier who violates

3624 Subsection (4)(a) is:

3625 [~~(a)~~] (i) guilty of an infraction; and

3626 [~~(b)~~] (ii) subject to a \$100 fine.

3627 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
3628 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3629 underlying the violation described in Subsection (4)(b).

3630 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,
3631 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
3632 minimis administrative error:

3633 (i) this chapter does not apply; and

3634 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
3635 Substances Act.

3636 Section 78. Section **26-61a-507**, which is renumbered from Section 26-60b-506 is
3637 renumbered and amended to read:

3638 ~~[26-60b-506].~~ **26-61a-507. Local control.**

3639 [~~(1) A municipality or county may not enact a zoning ordinance that prohibits a~~
3640 ~~cannabis dispensary from operating in a location within the municipality's or county's~~
3641 ~~jurisdiction on the sole basis that the cannabis dispensary is a cannabis dispensary.]~~

3642 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or
3643 maintain a license under Section [26-61a-301](#), a person shall demonstrate that the intended
3644 medical cannabis pharmacy location is located at least:

3645 (A) 600 feet from a community location's property boundary following the shortest
3646 route of ordinary pedestrian travel; and

3647 (B) 200 feet from the patron entrance to the community location's property boundary,
3648 and within 600 feet of an area zoned residential.

3649 (ii) A municipal or county land use authority may recommend in writing that the
3650 department waive the community location proximity requirement described in Subsection
3651 (1)(a)(i).

3652 [~~(2)~~] (b) (i) A municipality or county may not deny or revoke a land use permit [or

3653 ~~license]~~ to operate a medical cannabis [dispensary] pharmacy on the sole basis that the
 3654 applicant or medical cannabis [dispensary] pharmacy violates ~~[a]~~ federal law [of] regarding the
 3655 ~~[United States]~~ legal status.

3656 (ii) A municipality or county may not deny or revoke a business license to operate a
 3657 medical cannabis pharmacy on the sole basis that the applicant or medical cannabis pharmacy
 3658 violates federal law regarding the legal status of cannabis.

3659 ~~[(3)]~~ (2) A municipality or county may enact [ordinances] an ordinance that:

3660 (a) is not in conflict with this chapter [governing]; and

3661 (b) governs the time, place, [and] or manner of medical cannabis [dispensary]
 3662 pharmacy operations in the municipality or county.

3663 Section 79. Section **26-61a-601** is enacted to read:

3664 **Part 6. State Central Fill Medical Cannabis Pharmacy**

3665 **26-61a-601. Department to establish state central fill medical cannabis pharmacy**

3666 **-- Duties -- Pharmacy medical provider registration -- Continuing education.**

3667 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
 3668 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central fill medical
 3669 cannabis pharmacy as described in this section.

3670 (2) The state central fill medical cannabis pharmacy shall:

3671 (a) procure cannabis that a cannabis processing facility processes into a medicinal
 3672 dosage form;

3673 (b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage
 3674 form, or a medical cannabis device for shipment to a medical cannabis cardholder under a
 3675 qualified medical provider's recommendation to address a qualifying condition;

3676 (c) transport a state central fill shipment, in accordance with Section [26-61a-605](#), to the
 3677 relevant local health department for distribution, in accordance with Section [26-61a-607](#);

3678 (d) (i) (A) if the state establishes the state central fill medical cannabis pharmacy,
 3679 process and accept payment for a transaction involving a state central fill shipment; or

3680 (B) if the state establishes the state central fill medical cannabis pharmacy by contract,
 3681 process prepaid requests for a state central fill shipment from the department; and

3682 (ii) deposit funds that the state central fill medical cannabis pharmacy collects under
 3683 Subsection (2)(d)(i) into the Qualified Distribution Enterprise Account created in Section

3684 [26-61a-110.](#)

3685 (3) (a) An individual may not enter a state central fill medical cannabis pharmacy
3686 location unless:

3687 (i) the individual is a state central fill agent or an employee of the state central fill
3688 medical cannabis pharmacy;

3689 (ii) the individual is an employee of the department; or

3690 (iii) a state central fill agent escorts the individual at all times.

3691 (b) An individual who violates Subsection (3)(a) is:

3692 (i) guilty of an infraction; and

3693 (ii) subject to a \$100 fine.

3694 (c) An individual who is guilty of a violation described in Subsection (3)(b) is not
3695 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3696 underlying the violation described in Subsection (3)(b).

3697 (4) (a) The state central fill medical cannabis pharmacy:

3698 (i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b,
3699 Pharmacy Practice Act, as a state central fill medical provider;

3700 (ii) may employ a physician who has the authority to write a prescription and is
3701 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
3702 Osteopathic Medical Practice Act, as a state central fill medical provider;

3703 (iii) shall ensure that a state central fill medical provider described in Subsection
3704 (4)(a)(i) works onsite at each location during all business hours;

3705 (iv) shall designate one state central fill medical provider described in Subsection
3706 (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section [58-17b-102](#), to oversee
3707 the operation of and generally supervise the state central fill medical cannabis pharmacy; and

3708 (v) may establish more than one location in which the state central fill medical
3709 cannabis pharmacy operates if the department determines, after an analysis of the current and
3710 anticipated market for cannabis in a medicinal dosage form and cannabis products in a
3711 medicinal dosage form, including costs and logistical issues in transportation of state central
3712 fill shipments, that multiple central fill locations are necessary to provide an adequate supply of
3713 state central fill shipments to local health departments for distribution to recipient medical
3714 cannabis cardholders.

3715 (b) An individual may not serve as a state central fill medical provider unless the
3716 department registers the individual as a state central fill medical provider.

3717 (5) (a) The department shall, within 15 days after the day on which the department
3718 receives an application from the state central fill medical cannabis pharmacy on behalf of a
3719 prospective state central fill medical provider, register and issue a state central fill medical
3720 provider registration card to the prospective state central fill medical provider if the state
3721 central fill medical cannabis pharmacy provides to the department:

3722 (i) the prospective state central fill medical provider's name and address; and

3723 (ii) evidence that the prospective state central fill medical provider is:

3724 (A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

3725 or

3726 (B) a physician who has the authority to write a prescription and is licensed under Title
3727 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical
3728 Practice Act.

3729 (b) The department may not register a qualified medical provider or a pharmacy
3730 medical provider as a state central fill medical provider.

3731 (6) (a) A state central fill medical provider shall complete the continuing education
3732 described in this Subsection (6) in the following amounts:

3733 (i) as a condition precedent to registration, four hours; and

3734 (ii) as a condition precedent to renewal, four hours every two years.

3735 (b) In accordance with Subsection (6)(a), the state central fill medical provider shall:

3736 (i) complete continuing education:

3737 (A) regarding the topics described in Subsection (6)(d); and

3738 (B) offered by the department under Subsection (6)(c) or an accredited or approved
3739 continuing education provider that the department recognizes as offering continuing education
3740 appropriate for the medical cannabis pharmacy practice; and

3741 (ii) make a continuing education report to the department in accordance with a process
3742 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3743 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
3744 Professional Licensing and:

3745 (A) for a state central fill medical provider who is licensed under Title 58, Chapter 17b,

3746 Pharmacy Practice Act, the Board of Pharmacy;

3747 (B) for a state central fill medical provider licensed under Title 58, Chapter 67, Utah

3748 Medical Practice Act, the Physicians Licensing Board; and

3749 (C) for a state central fill medical provider licensed under Title 58, Chapter 68, Utah

3750 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

3751 (c) The department may, in consultation with the Division of Occupational and

3752 Professional Licensing, develop the continuing education described in this Subsection (6).

3753 (d) The continuing education described in this Subsection (6) may discuss:

3754 (i) the provisions of this chapter;

3755 (ii) general information about medical cannabis under federal and state law;

3756 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
3757 including risks and benefits;

3758 (iv) recommendations for medical cannabis as it relates to the continuing care of a
3759 patient in pain management, risk management, potential addiction, and palliative care; or

3760 (v) best practices for recommending the form and dosage of medical cannabis products
3761 based on the qualifying condition underlying the medical cannabis recommendation.

3762 (7) (a) A state central fill medical provider registration card expires two years after the
3763 day on which the department issues or renews the card.

3764 (b) A state central fill medical provider may renew the provider's registration card if
3765 the provider:

3766 (i) is eligible for a state central fill medical provider registration card under this
3767 section;

3768 (ii) certifies to the department in a renewal application that the information in
3769 Subsection (5) is accurate or updates the information; and

3770 (iii) submits a report detailing the completion of the continuing education requirement
3771 described in Subsection (6).

3772 Section 80. Section **26-61a-602** is enacted to read:

3773 **26-61a-602. State central fill agent -- Background check -- Registration card --**

3774 **Rebuttable presumption.**

3775 (1) An individual may not serve as a state central fill agent unless:

3776 (a) the individual is an employee of the state central fill medical cannabis pharmacy;

3777 and

3778 (b) the department registers the individual as a state central fill agent.

3779 (2) (a) The department shall, within 15 days after the day on which the department

3780 receives a complete application from the state central fill medical cannabis pharmacy on behalf

3781 of a prospective state central fill agent, register and issue a state central fill agent registration

3782 card to the prospective agent if the state central fill medical cannabis pharmacy:

3783 (i) provides to the department:

3784 (A) the prospective agent's name and address;

3785 (B) the submission required under Subsection (2)(b); and

3786 (ii) as reported under Subsection (2)(b), has not been convicted under state or federal

3787 law of:

3788 (A) a felony; or

3789 (B) after the effective date of this bill, a misdemeanor for drug distribution.

3790 (b) Each prospective agent described in Subsection (2)(a) shall:

3791 (i) submit to the department:

3792 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

3793 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

3794 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

3795 Generation Identification System's Rap Back Service; and

3796 (ii) consent to a fingerprint background check by:

3797 (A) the Bureau of Criminal Identification; and

3798 (B) the Federal Bureau of Investigation.

3799 (c) The Bureau of Criminal Identification shall:

3800 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against

3801 the applicable state, regional, and national criminal records databases, including the Federal

3802 Bureau of Investigation Next Generation Identification System;

3803 (ii) report the results of the background check to the department;

3804 (iii) maintain a separate file of fingerprints that prospective agents submit under

3805 Subsection (2)(b) for search by future submissions to the local and regional criminal records

3806 databases, including latent prints;

3807 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

3808 Generation Identification System's Rap Back Service for search by future submissions to
3809 national criminal records databases, including the Next Generation Identification System and
3810 latent prints; and

3811 (v) establish a privacy risk mitigation strategy to ensure that the department only
3812 receives notifications for an individual with whom the department maintains an authorizing
3813 relationship.

3814 (d) The department shall:

3815 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
3816 amount that the department sets in accordance with Section 63J-1-504 for the services that the
3817 Bureau of Criminal Identification or another authorized agency provides under this section; and

3818 (ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal
3819 Identification.

3820 (3) (a) A state central fill agent shall comply with a certification standard that the
3821 department develops, in collaboration with the Division of Occupational and Professional
3822 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
3823 designates by rule, in collaboration with the Division of Occupational and Professional
3824 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
3825 Administrative Rulemaking Act.

3826 (b) The department shall ensure that the certification standard described in Subsection
3827 (3)(a) includes continuing education in:

3828 (i) Utah medical cannabis law;

3829 (ii) the state central fill medical cannabis pharmacy shipment process; and

3830 (iii) state central fill agent best practices.

3831 (4) The department may revoke or refuse to issue the state central fill agent registration
3832 card of an individual who:

3833 (a) violates the requirements of this chapter; or

3834 (b) is convicted under state or federal law of:

3835 (i) a felony; or

3836 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

3837 (5) (a) A state central fill agent registration card expires two years after the day on
3838 which the department issues or renews the card.

3839 (b) A state central fill agent may renew the agent's registration card if the agent:

3840 (i) is eligible for a state central fill registration card under this section; and

3841 (ii) certifies to the department in a renewal application that the information in

3842 Subsection (2)(a) is accurate or updates the information.

3843 (6) A state central fill agent who the department registers under this section shall carry
3844 the individual's state central fill agent registration card with the individual at all times when:

3845 (a) the individual is on the premises of the state central fill medical cannabis pharmacy;

3846 and

3847 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
3848 product in a medicinal dosage form, or a medical cannabis device between a cannabis

3849 production establishment and the state central fill medical cannabis pharmacy.

3850 (7) If an individual handling cannabis, a cannabis product, or a medical cannabis
3851 device handles the cannabis, cannabis product, or medical cannabis device in compliance with
3852 Subsection (6):

3853 (a) there is a rebuttable presumption that the individual possesses the cannabis,
3854 cannabis product, or medical cannabis device legally; and

3855 (b) there is no probable cause, based solely on the individual's handling of the
3856 cannabis, cannabis product, or medical cannabis device, that the individual is engaging in
3857 illegal activity.

3858 (8) (a) An individual who violates Subsection (6) is:

3859 (i) guilty of an infraction; and

3860 (ii) subject to a \$100 fine.

3861 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not
3862 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3863 underlying the violation described in Subsection (8)(a).

3864 Section 81. Section **26-61a-603** is enacted to read:

3865 **26-61a-603. Recommendation.**

3866 (1) When an individual receives a recommendation for a medical cannabis treatment
3867 from the individual's qualified medical provider, the individual may initiate a shipment from
3868 the state central fill medical cannabis pharmacy to a local health department by:

3869 (a) contacting the state central fill medical cannabis pharmacy directly; or

3870 (b) requesting that the qualified medical provider initiate the shipment through the state
3871 electronic verification system.

3872 (2) Upon receiving a request to prepare a shipment under Subsection (1), a state central
3873 fill agent shall:

3874 (a) verify the shipment information using the state electronic verification system;

3875 (b) process payment, including contacting the medical cannabis cardholder to complete
3876 payment if necessary;

3877 (c) prepare the shipment in accordance with Section [26-61a-604](#);

3878 (d) record the preparation of the shipment in the electronic verification system; and

3879 (e) place the shipment for transportation in accordance with Section [26-61a-605](#).

3880 Section 82. Section **26-61a-604** is enacted to read:

3881 **26-61a-604. State central fill shipment preparation.**

3882 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a
3883 local health department a product other than:

3884 (i) cannabis in medicinal dosage form that the state central fill medical cannabis
3885 pharmacy acquired from a cannabis processing facility that is licensed under Section
3886 [4-41a-201](#);

3887 (ii) a cannabis product in medicinal dosage form that the state central fill medical
3888 cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section
3889 [4-41a-201](#);

3890 (iii) a medical cannabis device; or

3891 (iv) educational material related to the medical use of cannabis.

3892 (b) The state central fill medical cannabis pharmacy may only sell or ship an item listed
3893 in Subsection (1)(a) in response to a request for shipment described in Subsection
3894 [26-61a-603\(1\)](#).

3895 (c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy
3896 may not sell a cannabis-based drug that the United States Food and Drug Administration has
3897 approved.

3898 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

3899 (a) for a medical cannabis cardholder in any one 12-day period, more than the lesser of:

3900 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters

3901 that the relevant qualified medical provider recommends; or
3902 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form
3903 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol
3904 in the cannabis; or
3905 (B) an amount of cannabis products that is in a medicinal dosage form and that
3906 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;
3907 (b) to a medical cannabis cardholder whose primary residence is located more than 100
3908 miles from the nearest medical cannabis pharmacy or local health department, in any one
3909 28-day period, more than the lesser of:
3910 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
3911 that the relevant qualified medical provider recommends; or
3912 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
3913 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
3914 cannabidiol in the cannabis; or
3915 (B) an amount of cannabis products that is in a medicinal dosage form and that
3916 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or
3917 (c) for an individual whose qualified medical provider did not recommend dosing
3918 parameters, any cannabis or cannabis product, until the individual consults with the state
3919 central fill medical provider in accordance with Subsection (4).
3920 (3) A medical cannabis cardholder may not receive a state central fill shipment
3921 containing:
3922 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
3923 in any one 12-day period; or
3924 (b) if the relevant qualified medical provider did not recommend dosing parameters,
3925 any cannabis or cannabis product, until the cardholder consults with the state central fill
3926 medical provider in accordance with Subsection (4).
3927 (4) If a qualified medical provider recommends treatment with medical cannabis or a
3928 cannabis product but does not provide dosing parameters:
3929 (a) the qualified medical provider shall document in the recommendation:
3930 (i) an evaluation of the qualifying condition underlying the recommendation;
3931 (ii) prior treatment attempts with cannabis and cannabis products; and

3932 (iii) the patient's current medication list; and
3933 (b) before the relevant medical cannabis cardholder may receive a state central fill
3934 shipment, the state central fill medical provider shall:
3935 (i) review pertinent medical records, including the qualified medical provider
3936 documentation described in Subsection (4)(a); and
3937 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with
3938 the recommending qualified medical provider as needed, determine the best course of treatment
3939 through consultation with the cardholder regarding:
3940 (A) the patient's qualifying condition underlying the recommendation from the
3941 qualified medical provider;
3942 (B) indications for available treatments;
3943 (C) dosing parameters; and
3944 (D) potential adverse reactions.
3945 (5) The state central fill medical cannabis pharmacy shall:
3946 (a) (i) access the state electronic verification system before preparing a shipment of
3947 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where
3948 applicable, the associated patient has met the maximum amount of cannabis or cannabis
3949 product described in Subsection (2); and
3950 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the
3951 maximum amount described in Subsection (2):
3952 (A) decline the request to prepare the shipment; and
3953 (B) notify the qualified medical provider that made the recommendation;
3954 (b) submit a record to the state electronic verification system each time the state central
3955 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,
3956 or a medical cannabis device;
3957 (c) package any cannabis or cannabis product that is in a blister pack in a container
3958 that:
3959 (i) complies with Subsection [4-41a-602\(2\)](#);
3960 (ii) is tamper-resistant and tamper-evident; and
3961 (iii) opaque; and
3962 (d) for any product that is a cube that is designed for ingestion through chewing or

3963 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
3964 of over-consumption.

3965 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis
3966 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
3967 that is intentionally designed or constructed to resemble a cigarette.

3968 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis
3969 device that warms cannabis material into a vapor without the use of a flame and that delivers
3970 cannabis to an individual's respiratory system.

3971 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product
3972 that the medical cannabis pharmacy is allowed to sell under Subsection (1).

3973 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's
3974 records the following information regarding each recommendation underlying a transaction:

3975 (i) the qualified medical provider's name, address, and telephone number;

3976 (ii) the patient's name and address;

3977 (iii) the date of issuance;

3978 (iv) dosing parameters or an indication that the qualified medical provider did not
3979 recommend specific dosing parameters; and

3980 (v) the name and the address of the medical cannabis cardholder if the cardholder is not
3981 the patient.

3982 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a
3983 cannabis product unless the cannabis or cannabis product has a label securely affixed to the
3984 container indicating the following minimum information:

3985 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

3986 (ii) the unique identification number that the state central fill medical cannabis
3987 pharmacy assigns;

3988 (iii) the date of the sale;

3989 (iv) the name of the medical cannabis cardholder;

3990 (v) the name of the qualified medical provider who recommends the medical cannabis
3991 treatment;

3992 (vi) directions for use and cautionary statements, if any;

3993 (vii) the amount dispensed and the cannabinoid content;

3994 (viii) the beyond use date; and

3995 (ix) any other requirements that the department determines, in consultation with the
3996 Division of Occupational and Professional Licensing and the Board of Pharmacy.

3997 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or
3998 a state central fill agent shall:

3999 (a) include in each state central fill shipment written counseling regarding the state
4000 central fill shipment; and

4001 (b) provide a telephone number or website by which a medical cannabis cardholder
4002 may contact a pharmacy medical provider for counseling.

4003 (10) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
4004 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
4005 by the state central fill medical cannabis pharmacy.

4006 (11) The department may impose a uniform fee on each medical cannabis cardholder
4007 transaction for a state central fill shipment in an amount that, subject to Subsection
4008 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

4009 Section 83. Section **26-61a-605** is enacted to read:

4010 **26-61a-605. State central fill shipment transportation.**

4011 (1) The state central fill medical cannabis pharmacy shall ensure that the state central
4012 fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in
4013 medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis
4014 device to each local health department in the state within two business days after the day on
4015 which the state central fill medical cannabis pharmacy receives a request for a state central fill
4016 shipment resulting from a recommendation of a qualified medical provider under Section
4017 26-61a-603.

4018 (2) (a) The department may contract with a private entity for the entity to serve as a
4019 courier for the state central fill medical cannabis pharmacy, delivering state central fill
4020 shipments to local health departments for distribution to medical cannabis cardholders.

4021 (b) If the department enters into a contract described in Subsection (2)(a), the
4022 department shall:

4023 (i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,
4024 Chapter 6a, Utah Procurement Code;

4025 (ii) impose security and personnel requirements on the contracted private entity
4026 sufficient to ensure the security and safety of state central fill shipments; and
4027 (iii) provide regular oversight of the contracted private entity.
4028 (3) Except for an individual with a valid medical cannabis card who transports a
4029 shipment the individual receives, an individual may not transport a state central fill shipment
4030 unless the individual is:
4031 (a) a registered state central fill agent; or
4032 (b) an agent of the private courier described in Subsection (2).
4033 (4) An individual transporting a state central fill shipment shall possess a transportation
4034 manifest that:
4035 (a) includes a unique identifier that links the state central fill shipment to a relevant
4036 inventory control system;
4037 (b) includes origin and destination information for a state central fill shipment the
4038 individual is transporting; and
4039 (c) indicates the departure and arrival times and locations of the individual transporting
4040 the state central fill shipment.
4041 (5) In addition to the requirements in Subsections (3) and (4), the department may
4042 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
4043 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
4044 Rulemaking Act, requirements for transporting state central fill shipments that are related to
4045 safety for human consumption of cannabis or a cannabis product.
4046 (6) (a) It is unlawful for an individual to transport a state central fill shipment with a
4047 manifest that does not meet the requirements of Subsection (4).
4048 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
4049 (6)(a):
4050 (i) is guilty of an infraction; and
4051 (ii) subject to a \$100 fine.
4052 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
4053 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4054 underlying the violation described in Subsection (6)(b).
4055 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,

4056 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
4057 minimis administrative error:

4058 (i) this chapter does not apply; and

4059 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
4060 Substances Act.

4061 Section 84. Section **26-61a-606** is enacted to read:

4062 **26-61a-606. Local health department distribution agent -- Background check --**
4063 **Registration card -- Rebuttable presumption.**

4064 (1) An individual may not serve as a local health department distribution agent unless:

4065 (a) the individual is an employee of a local health department; and

4066 (b) the department registers the individual as a local health department distribution
4067 agent.

4068 (2) (a) The department shall, within 15 days after the day on which the department
4069 receives a complete application from a local health department on behalf of a prospective local
4070 health department distribution agent, register and issue a local health department distribution
4071 agent registration card to the prospective agent if the local health department:

4072 (i) provides to the department:

4073 (A) the prospective agent's name and address;

4074 (B) the name and location of the local health department where the prospective agent
4075 seeks to act as a local health department distribution agent;

4076 (C) the submission required under Subsection (2)(b); and

4077 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
4078 law of:

4079 (A) a felony; or

4080 (B) after the effective date of this bill, a misdemeanor for drug distribution.

4081 (b) Each prospective agent described in Subsection (2)(a) shall:

4082 (i) submit to the department:

4083 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

4084 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
4085 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
4086 Generation Identification System's Rap Back Service; and

- 4087 (ii) consent to a fingerprint background check by:
4088 (A) the Bureau of Criminal Identification; and
4089 (B) the Federal Bureau of Investigation.
4090 (c) The Bureau of Criminal Identification shall:
4091 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
4092 the applicable state, regional, and national criminal records databases, including the Federal
4093 Bureau of Investigation Next Generation Identification System;
4094 (ii) report the results of the background check to the department;
4095 (iii) maintain a separate file of fingerprints that prospective agents submit under
4096 Subsection (2)(b) for search by future submissions to the local and regional criminal records
4097 databases, including latent prints;
4098 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4099 Generation Identification System's Rap Back Service for search by future submissions to
4100 national criminal records databases, including the Next Generation Identification System and
4101 latent prints; and
4102 (v) establish a privacy risk mitigation strategy to ensure that the department only
4103 receives notifications for an individual with whom the department maintains an authorizing
4104 relationship.
4105 (d) The department shall:
4106 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
4107 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
4108 Bureau of Criminal Identification or another authorized agency provides under this section; and
4109 (ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal
4110 Identification.
4111 (3) The department shall designate on an individual's local health department
4112 distribution agent registration card the name of the local health department where the
4113 individual is registered as an agent.
4114 (4) (a) A local health department distribution agent shall comply with a certification
4115 standard that the department develops, in collaboration with the Division of Occupational and
4116 Professional Licensing and the Board of Pharmacy, or a third-party certification standard that
4117 the department designates by rule in collaboration with the Division of Occupational and

4118 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
4119 3, Utah Administrative Rulemaking Act.

4120 (b) The department shall ensure that the certification standard described in Subsection
4121 (4)(a) includes training in:

4122 (i) Utah medical cannabis law;

4123 (ii) the state central fill medical cannabis pharmacy shipment process; and

4124 (iii) local health department distribution agent best practices.

4125 (5) The department may revoke or refuse to issue or renew the local health department
4126 distribution agent registration card of an individual who:

4127 (a) violates the requirements of this chapter; or

4128 (b) is convicted under state or federal law of:

4129 (i) a felony; or

4130 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

4131 (6) A local health department distribution agent who the department has registered

4132 under this section shall carry the agent's local health department distribution agent registration
4133 card with the agent at all times when:

4134 (a) the agent is on the premises of the local health department; and

4135 (b) the agent is handling a shipment of cannabis or cannabis product from the state
4136 central fill medical cannabis pharmacy.

4137 (7) If a local health department distribution agent handling a shipment of cannabis or
4138 cannabis product from the state central fill medical cannabis pharmacy possesses the shipment
4139 in compliance with Subsection (6):

4140 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

4141 (b) there is no probable cause, based solely on the agent's possession of the shipment,
4142 that the agent is engaging in illegal activity.

4143 (8) (a) A local health department distribution agent who violates Subsection (6) is:

4144 (i) guilty of an infraction; and

4145 (ii) subject to a \$100 fine.

4146 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not
4147 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4148 underlying the violation described in Subsection (8)(a).

4149 Section 85. Section **26-61a-607** is enacted to read:

4150 **26-61a-607. Local health department distribution.**

4151 (1) Each local health department shall designate:

4152 (a) one or more of the local health department's locations as a state central fill shipment

4153 distribution location; and

4154 (b) a sufficient number of personnel to ensure that at least one individual is available at

4155 all times during business hours:

4156 (i) whom the department has registered as a local health department distribution agent;

4157 and

4158 (ii) to distribute state central fill shipments to medical cannabis cardholders in

4159 accordance with this section.

4160 (2) An individual may not retrieve a shipment from the state central fill medical

4161 cannabis pharmacy at a local health department unless the individual presents:

4162 (a) a form of identification that is a valid United States federal- or state-issued photo

4163 identification, including a driver license, a United States passport, a United States passport

4164 card, or a United States military identification card; and

4165 (b) a valid medical cannabis card under the same name that appears on the

4166 identification described in Subsection (2)(a).

4167 (3) Before a local health department distribution agent distributes a state central fill

4168 shipment to a medical cannabis cardholder, the local health department distribution agent shall:

4169 (a) verify the shipment information using the state electronic verification system;

4170 (b) ensure that the individual satisfies the identification requirements in Subsection (2);

4171 (c) verify that payment is complete; and

4172 (d) record the completion of the shipment transaction in the electronic verification

4173 system.

4174 (4) The local health department shall:

4175 (a) (i) store each state central fill shipment that the local health department receives,

4176 until the recipient medical cannabis cardholder retrieves the shipment or the local health

4177 department returns the shipment to the state central fill medical cannabis pharmacy in

4178 accordance with Subsection (5), in a single, secure, locked area that is equipped with a security

4179 system that detects and records entry into the area; and

4180 (ii) ensure that only a local health department distribution agent is able to access the
4181 area;

4182 (b) return any unclaimed state central fill shipment to the state central fill medical
4183 cannabis pharmacy, in accordance with Subsection (5)(a), after the local health department has
4184 possessed the state central fill shipment for 10 business days; and

4185 (c) return any state central fill shipment to the state central fill medical cannabis
4186 pharmacy, in accordance with Subsection (5)(b), if a medical cannabis cardholder returns the
4187 shipment to the local health department after retrieving the shipment.

4188 (5) (a) If a local health department returns an unclaimed state central fill shipment
4189 under Subsection (4)(b), the state central fill medical cannabis pharmacy may repackage or
4190 otherwise reuse the shipment for another state central fill shipment.

4191 (b) If a local health department returns a returned state central fill shipment under
4192 Subsection (4)(c), the state central fill medical cannabis pharmacy shall dispose of the returned
4193 shipment by:

4194 (i) rendering the state central fill shipment unusable and unrecognizable before
4195 transporting the shipment from the state central fill medical cannabis pharmacy; and

4196 (ii) disposing of the state central fill shipment in accordance with:

4197 (A) federal and state laws, rules, and regulations related to hazardous waste;

4198 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

4199 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

4200 (D) other regulations that the department makes in accordance with Title 63G, Chapter
4201 3, Utah Administrative Rulemaking Act.

4202 Section 86. Section **26-61a-608** is enacted to read:

4203 **26-61a-608. Department to set state central fill prices.**

4204 (1) The department shall set a price schedule for cannabis in a medicinal dosage form
4205 that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders
4206 through distribution to local health departments.

4207 (2) The department shall ensure that the price schedule described in Subsection (1):

4208 (a) through an annual review, takes into consideration:

4209 (i) the demand for medical cannabis and cannabis products dispensed through the state
4210 central fill medical cannabis pharmacy and the local health departments;

4211 (ii) the labor required to cultivate and process cannabis into a medicinal dosage form;
4212 (iii) the regulatory burden involved in the creation of the product; and
4213 (iv) any other consideration the department considers necessary; and

4214 (b) after at least three medical cannabis pharmacies that the department licenses under
4215 Section 26-61a-301 are operational, contains pricing for a specific product that is within 10%
4216 of the average price for the product among the operational medical cannabis pharmacies.

4217 (3) The department shall ensure that the price schedule that the department sets under
4218 Subsection (1) includes a set fee that the department deposits into the Qualified Distribution
4219 Enterprise Fund to cover the cost of:

4220 (a) the state central fill medical cannabis pharmacy; and

4221 (b) the courier described in Section 26-61a-605, if any.

4222 Section 87. Section 26-61a-609 is enacted to read:

4223 **26-61a-609. Partial filling.**

4224 (1) As used in this section, "partially fill" means to provide less than the full amount of
4225 cannabis or cannabis product that the qualified medical provider recommends, if the qualified
4226 medical provider recommended specific dosing parameters.

4227 (2) The state central fill medical cannabis pharmacy may partially fill a
4228 recommendation for a medical cannabis treatment at the request of the qualified medical
4229 provider who issued the medical cannabis treatment recommendation or the medical cannabis
4230 cardholder.

4231 (3) The department shall make rules in collaboration with the Division of Occupational
4232 and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,
4233 Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity
4234 supplied, and quantity remaining of a partially filled medical cannabis treatment
4235 recommendation.

4236 (4) A state central fill medical provider who is a pharmacist may, upon the request of a
4237 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
4238 limits in Subsection 26-61a-604(2), to fill the quantity remaining of a partially filled medical
4239 cannabis treatment recommendation if:

4240 (a) the state central fill medical provider determined dosing parameters for the partial
4241 fill under Subsection 26-61a-604(4); and

4242 (b) the medical cannabis cardholder reports that:

4243 (i) the partial fill did not substantially affect the qualifying condition underlying the
4244 medical cannabis recommendation; or

4245 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
4246 unable to successfully use the partial fill.

4247 Section 88. Section **26-61a-610** is enacted to read:

4248 **26-61a-610. Records -- Inspections.**

4249 (1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's
4250 medical cannabis treatment recommendation files and other records in accordance with this
4251 chapter, department rules, and the federal Health Insurance Portability and Accountability Act
4252 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

4253 (2) The department may inspect the records and facility of the state central fill medical
4254 cannabis pharmacy or a local health department at any time during business hours in order to
4255 determine compliance with this chapter.

4256 (3) An inspection under this section may include:

4257 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
4258 physical or electronic information;

4259 (b) questioning of any relevant individual; or

4260 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
4261 or label.

4262 (4) In making an inspection under this section, the department may freely access any
4263 area and review and make copies of a book, record, paper, document, data, or other physical or
4264 electronic information, including financial data, sales data, shipping data, pricing data, and
4265 employee data.

4266 (5) Failure to provide the department or the department's authorized agents immediate
4267 access during business hours in accordance with this section may result in:

4268 (a) the imposition of a civil monetary penalty that the department sets in accordance
4269 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4270 (b) license or registration suspension or revocation; or

4271 (c) an immediate cessation of operations under a cease and desist order that the
4272 department issues.

4273 Section 89. Section **26-61a-611** is enacted to read:

4274 **26-61a-611. Advertising.**

4275 (1) Except as provided in Subsection (2), the state central fill medical cannabis
4276 pharmacy may not advertise in any medium.

4277 (2) The state central fill medical cannabis pharmacy may maintain a website that
4278 includes information about:

4279 (a) the contact information for the state central fill medical cannabis pharmacy;

4280 (b) a product or service available through shipment from the state central fill medical
4281 cannabis pharmacy;

4282 (c) a description of the state central fill medical cannabis pharmacy shipment process;

4283 (d) information about retrieving a state central fill shipment at a local health
4284 department; or

4285 (e) educational material related to the medical use of cannabis.

4286 Section 90. Section **26-61a-701** is enacted to read:

4287 **Part 7. Enforcement**

4288 **26-61a-701. Enforcement -- Misdemeanor.**

4289 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,
4290 and Sections [26-61a-502](#), [26-61a-605](#), and [26-61a-607](#), it is unlawful for a medical cannabis
4291 cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a
4292 medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis
4293 device, or any cannabis residue remaining in or from a medical cannabis device.

4294 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
4295 violates Subsection (1) is:

4296 (i) guilty of a class B misdemeanor; and

4297 (ii) subject to a \$1,000 fine.

4298 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4299 (i) (A) is a designated caregiver; and

4300 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
4301 who designated the individual as a designated caregiver; or

4302 (ii) (A) is a medical cannabis guardian cardholder; and

4303 (B) gives the product described in Subsection (1) to the relevant provisional patient

4304 cardholder.

4305 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
 4306 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 4307 underlying the violation described in Subsection (2)(a).

4308 Section 91. Section ~~26-61a-702~~, which is renumbered from Section 26-60b-601 is
 4309 renumbered and amended to read:

4310 ~~[26-60b-601].~~ **26-61a-702. Enforcement -- Fine -- Citation.**

4311 (1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter
 4312 ~~[by a person who is a cannabis dispensary or cannabis dispensary agent]:~~

4313 ~~[(a)]~~ (i) revoke the ~~[person's license or]~~ medical cannabis ~~[dispensary agent registration~~
 4314 ~~card]~~ pharmacy license;

4315 ~~[(b)]~~ (ii) refuse to renew the ~~[person's license or]~~ medical cannabis ~~[dispensary agent~~
 4316 ~~registration card]~~ pharmacy license; or

4317 ~~[(c)]~~ (iii) assess the ~~[person]~~ medical cannabis pharmacy an administrative penalty.

4318 (b) The department may, for a medical cannabis pharmacy agent's or state central fill
 4319 agent's violation of this chapter:

4320 (i) revoke the medical cannabis pharmacy agent or state central fill agent registration
 4321 card;

4322 (ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent
 4323 registration card; or

4324 (iii) assess the medical cannabis pharmacy agent or state central fill agent an
 4325 administrative penalty.

4326 (2) The department shall deposit an administrative penalty imposed under this section
 4327 ~~[in]~~ into the ~~[general fund]~~ General Fund.

4328 (3) ~~[The department may, for]~~ For a person subject to an uncontested citation, a
 4329 stipulated settlement, or a finding of a violation in an adjudicative proceeding under this
 4330 section, the department may:

4331 (a) for a fine amount not already specified in law, assess the person a fine~~[established~~
 4332 ~~in accordance with Section 63J-1-504;]~~ of up to \$5,000 per violation, in accordance with a fine
 4333 schedule ~~[established]~~ that the department establishes by rule ~~[made]~~ in accordance with Title
 4334 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4335 (b) order the person to cease and desist from the action that creates a violation.

4336 (4) The department may not revoke a medical cannabis [~~dispensary's~~] pharmacy's
 4337 license without first directing the medical cannabis [~~dispensary~~] pharmacy to appear before an
 4338 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

4339 (5) If, within 20 calendar days after the day on which the department issues a citation
 4340 for a violation of this chapter, the person that is the subject of the citation fails to request a
 4341 hearing to contest the citation, the citation becomes the department's final order.

4342 (6) The department may, for a person who fails to comply with a citation under this
 4343 section:

4344 (a) refuse to issue or renew the person's license [~~or cannabis dispensary~~] agent
 4345 registration card; or

4346 (b) suspend, revoke, or place on probation the person's license or [~~cannabis dispensary~~]
 4347 agent registration card.

4348 (7) (a) [~~If the department makes a final determination under this section that~~] Except
 4349 where a criminal penalty is expressly provided for a specific violation of this chapter, if an
 4350 individual [~~violated~~] violates a provision of this chapter, the individual is:

4351 (i) guilty of an infraction[;]; and

4352 (ii) subject to a \$100 fine.

4353 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
 4354 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 4355 underlying the violation described in Subsection (7)(a).

4356 Section 92. Section **26-61a-703**, which is renumbered from Section 26-60b-602 is
 4357 renumbered and amended to read:

4358 [~~26-60b-602~~]. **26-61a-703. Report.**

4359 (1) [~~The~~] By the November interim meeting each year, the department shall report
 4360 [annually] to the Health and Human Services Interim Committee on:

4361 (a) the number of applications and renewal applications filed for medical cannabis
 4362 cards[;];

4363 (b) the number of qualifying patients and designated caregivers[;];

4364 (c) the nature of the debilitating medical conditions of the qualifying patients[;];

4365 (d) the age and county of residence of cardholders[;];

- 4366 (e) the number of medical cannabis cards revoked^[5];
- 4367 (f) the number of practitioners providing recommendations for qualifying patients^[5];
- 4368 (g) the number of license applications and renewal license applications received^[5];
- 4369 (h) the number of licenses the department has issued in each county^[5];
- 4370 (i) the number of licenses the department has revoked^[5]~~and~~;
- 4371 (j) the quantity and timeliness of state central fill shipments, including the amount of
- 4372 time between recommendation to the state central fill medical cannabis pharmacy and arrival of
- 4373 a state central fill shipment at a local health department;
- 4374 (k) the market share of state central fill shipments;
- 4375 (l) the expenses incurred and revenues generated from the medical cannabis
- 4376 program^[5];
- 4377 (m) the expenses incurred and revenues generated from the state central fill medical
- 4378 cannabis pharmacy, including a profit and loss statement; and
- 4379 (n) an analysis of product availability, including the price differential between
- 4380 comparable products, in medical cannabis pharmacies and the state central fill medical
- 4381 cannabis pharmacy.

4382 (2) The department may not include personally identifying information in the report

4383 described in this section.

4384 Section 93. Section **26-65-102 (Effective 07/01/19)** is amended to read:

4385 **26-65-102 (Effective 07/01/19). Definitions.**

4386 (1) "Agent" means an employee or independent contractor of an entity.

4387 ~~[(2) "Cannabidiol laboratory" means the same as that term is defined in Section~~

4388 ~~4-43-102.]~~

4389 ~~[(3)]~~ (2) "Cannabidiol product" means ~~[the same as that term is defined in Section~~

4390 ~~4-41-102.]~~ a chemical compound extracted from cannabis that:

4391 (a) is processed into a medicinal dosage form; and

4392 (b) contains less than 0.3% tetrahydrocannabinol by dry weight.

4393 (3) "Cannabis" means marijuana, as that term is defined in Section 58-37-2.

4394 ~~[(4) "Cannabidiol-qualified pharmacy" means the same as that term is defined in~~

4395 ~~Section 4-43-102.]~~

4396 ~~[(5) "Cannabinoid Product Restricted Account" means the account created in Section~~

4397 ~~4-43-801;~~

4398 [(6)] (4) "Medicinal dosage form" means a qualifying dosage form for a cannabidiol
4399 product under Section ~~26-65-103~~.

4400 [(7)] (5) "Physician" means an individual who is licensed to practice:

4401 (a) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or

4402 (b) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical
4403 Practice Act.

4404 Section 94. Section ~~26-65-103~~ (Effective 07/01/19) is amended to read:

4405 **~~26-65-103~~ (Effective 07/01/19). Medicinal dosage form.**

4406 (1) For the purpose of this chapter, any of the following is a qualifying medicinal
4407 dosage form for a cannabidiol product:

4408 (a) a tablet;

4409 (b) a capsule;

4410 (c) a concentrated oil;

4411 (d) a liquid suspension;

4412 (e) a transdermal preparation; and

4413 (f) a sublingual preparation.

4414 (2) A patient may not purchase, use, or possess a cannabidiol product unless the
4415 cannabidiol product is prepared in a medicinal dosage form.

4416 (3) A [~~cannabidiol-qualified~~] pharmacy may not purchase, possess, or sell a
4417 cannabidiol product unless the cannabidiol product is prepared in a medicinal dosage form.

4418 (4) The department may recommend that the Legislature approve the use of an
4419 additional medicinal dosage form.

4420 Section 95. Section ~~30-3-10~~ is amended to read:

4421 **~~30-3-10. Custody of children in case of separation or divorce -- Custody~~**
4422 **consideration.**

4423 (1) If a [~~husband and wife~~] married couple having one or more minor children are
4424 separated, or their marriage is declared void or dissolved, the court shall make an order for the
4425 future care and custody of the minor children as it considers appropriate.

4426 (a) In determining any form of custody, including a change in custody, the court shall
4427 consider the best interests of the child without preference for either [~~the mother or father~~]

4428 parent solely because of the biological sex of the parent and, among other factors the court
4429 finds relevant, the following:

4430 (i) in accordance with Subsection (7), the past conduct and demonstrated moral
4431 standards of each of the parties;

4432 (ii) which parent is most likely to act in the best interest of the child, including
4433 allowing the child frequent and continuing contact with the noncustodial parent;

4434 (iii) the extent of bonding between the parent and child, meaning the depth, quality,
4435 and nature of the relationship between a parent and child;

4436 (iv) whether the parent has intentionally exposed the child to pornography or material
4437 harmful to a minor, as defined in Section [76-10-1201](#); and

4438 (v) those factors outlined in Section [30-3-10.2](#).

4439 (b) There [~~shall be~~] is a rebuttable presumption that joint legal custody, as defined in
4440 Section [30-3-10.1](#), is in the best interest of the child, except in cases where there is:

4441 (i) domestic violence in the home or in the presence of the child;

4442 (ii) special physical or mental needs of a parent or child, making joint legal custody
4443 unreasonable;

4444 (iii) physical distance between the residences of the parents, making joint decision
4445 making impractical in certain circumstances; or

4446 (iv) any other factor the court considers relevant including those listed in this section
4447 and Section [30-3-10.2](#).

4448 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan in
4449 accordance with Sections [30-3-10.8](#) and [30-3-10.9](#).

4450 (ii) A presumption for joint legal custody may be rebutted by a showing by a
4451 preponderance of the evidence that it is not in the best interest of the child.

4452 (d) [~~The children~~] A child may not be required by either party to testify unless the trier
4453 of fact determines that extenuating circumstances exist that would necessitate the testimony of
4454 the [~~children~~] child be heard and there is no other reasonable method to present [~~their~~] the
4455 child's testimony.

4456 (e) (i) The court may inquire of [~~the children~~] the child's and take into consideration the
4457 [~~children's~~] the child's desires regarding future custody or parent-time schedules, but the
4458 expressed desires are not controlling and the court may determine the children's custody or

4459 parent-time otherwise.

4460 (ii) The desires of a child 14 years of age or older shall be given added weight, but is
4461 not the single controlling factor.

4462 (f) (i) If ~~[interviews]~~ an interview with ~~[the children are]~~ a child is conducted by the
4463 court pursuant to Subsection (1)(e), ~~[they]~~ the interview shall be conducted by the judge in
4464 camera.

4465 (ii) The prior consent of the parties may be obtained but is not necessary if the court
4466 finds that an interview with ~~[the children]~~ a child is the only method to ascertain the child's
4467 desires regarding custody.

4468 (2) In awarding custody, the court shall consider, among other factors the court finds
4469 relevant, which parent is most likely to act in the best interests of the child, including allowing
4470 the child frequent and continuing contact with the noncustodial parent as the court finds
4471 appropriate.

4472 (3) If the court finds that one parent does not desire custody of the child, the court shall
4473 take that evidence into consideration in determining whether to award custody to the other
4474 parent.

4475 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a
4476 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
4477 whether a substantial change has occurred for the purpose of modifying an award of custody.

4478 (b) ~~[If a]~~ The court ~~[takes a parent's]~~ may not consider the disability ~~[into account]~~ of a
4479 parent as a factor in awarding custody or ~~[determining whether]~~ modifying an award of custody
4480 based on a determination of a substantial change ~~[has occurred for the purpose of modifying an~~
4481 ~~award of custody, the parent with a disability may rebut any evidence, presumption, or~~
4482 ~~inference arising from the disability by showing]~~ in circumstances, unless the court makes
4483 specific findings that:

4484 (i) the disability ~~[does not]~~ significantly or substantially ~~[inhibit]~~ inhibits the parent's
4485 ability to provide for the physical and emotional needs of the child at issue; and

4486 (ii) the parent with a disability ~~[has]~~ lacks sufficient human, monetary, or other
4487 resources available to supplement the parent's ability to provide for the physical and emotional
4488 needs of the child at issue.

4489 (c) Nothing in this section may be construed to apply to adoption proceedings under

4490 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

4491 (5) This section establishes neither a preference nor a presumption for or against joint
4492 physical custody or sole physical custody, but allows the court and the family the widest
4493 discretion to choose a parenting plan that is in the best interest of the child.

4494 (6) When an issue before the court involves custodial responsibility in the event of a
4495 deployment of one or both parents who are servicemembers, and the servicemember has not yet
4496 been notified of deployment, the court shall resolve the issue based on the standards in Sections
4497 78B-20-306 through 78B-20-309.

4498 [~~(6)~~] (7) In considering the past conduct and demonstrated moral standards of each [~~of~~
4499 ~~the parties as described~~] party under Subsection (1)(a)(i)[;] or any other factor a court finds
4500 relevant, the court may not discriminate against a parent because of or otherwise consider the
4501 parent's:

4502 (a) lawful possession or [consumption] use of cannabis in a medicinal dosage form, a
4503 cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with
4504 Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act[;]; or [because of]

4505 (b) [~~the parent's~~] status as a:

4506 (i) cannabis production establishment agent, as that term is defined in Section
4507 4-41a-102;

4508 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;

4509 (iii) state central fill agent, as that term is defined in Section 26-61a-102; or

4510 (iv) medical cannabis cardholder in accordance with [Title 4, Chapter 41b, a cannabis
4511 dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in
4512 accordance with] Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act.

4513 Section 96. Section **34A-2-418** is amended to read:

4514 **34A-2-418. Awards -- Medical, nursing, hospital, and burial expenses -- Artificial**
4515 **means and appliances.**

4516 (1) In addition to the compensation provided in this chapter or Chapter 3, Utah
4517 Occupational Disease Act, and subject to Subsection **34A-2-407**(11), the employer or the
4518 insurance carrier shall pay reasonable sums for medical, nurse, and hospital services, for
4519 medicines, and for artificial means, appliances, and prostheses necessary to treat the injured
4520 employee.

4521 (2) The employer and the insurance carrier are not required to pay or reimburse for
4522 cannabis, a cannabis product, or a medical cannabis device, as those terms are defined in
4523 Section [26-61a-102](#).

4524 ~~[(2)]~~ (3) If death results from the injury, the employer or the insurance carrier shall pay
4525 the burial expenses in ordinary cases as established by rule.

4526 ~~[(3)]~~ (4) If a compensable accident results in the breaking of or loss of an employee's
4527 artificial means or appliance including eyeglasses, the employer or insurance carrier shall
4528 provide a replacement of the artificial means or appliance.

4529 ~~[(4)]~~ (5) An administrative law judge may require the employer or insurance carrier to
4530 maintain the artificial means or appliances or provide the employee with a replacement of any
4531 artificial means or appliance for the reason of breakage, wear and tear, deterioration, or
4532 obsolescence.

4533 ~~[(5)]~~ (6) An administrative law judge may, in unusual cases, order, as the
4534 administrative law judge considers just and proper, the payment of additional sums:

- 4535 (a) for burial expenses; or
4536 (b) to provide for artificial means or appliances.

4537 Section 97. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

4538 **41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable**
4539 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4540 (1) As used in this section:

- 4541 (a) "Controlled substance" means the same as that term is defined in Section [58-37-2](#).
4542 (b) "Practitioner" means the same as that term is defined in Section [58-37-2](#).
4543 (c) "Prescribe" means the same as that term is defined in Section [58-37-2](#).
4544 (d) "Prescription" means the same as that term is defined in Section [58-37-2](#).

4545 (2) In cases not amounting to a violation of Section [41-6a-502](#), a person may not
4546 operate or be in actual physical control of a motor vehicle within this state if the person has any
4547 measurable controlled substance or metabolite of a controlled substance in the person's body.

4548 (3) It is an affirmative defense to prosecution under this section that the controlled
4549 substance was:

- 4550 (a) involuntarily ingested by the accused;
4551 (b) prescribed by a practitioner for use by the accused; ~~[or]~~

4552 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
4553 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
4554 Cannabis Act; or

4555 [~~c~~] (d) otherwise legally ingested.

4556 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
4557 misdemeanor.

4558 (b) A person who violates this section is subject to conviction and sentencing under
4559 both this section and any applicable offense under Section 58-37-8.

4560 (5) A peace officer may, without a warrant, arrest a person for a violation of this
4561 section when the officer has probable cause to believe the violation has occurred, although not
4562 in the officer's presence, and if the officer has probable cause to believe that the violation was
4563 committed by the person.

4564 (6) The Driver License Division shall, if the person is 21 years of age or older on the
4565 date of arrest:

4566 (a) suspend, for a period of 120 days, the driver license of a person convicted under
4567 Subsection (2) of an offense committed on or after July 1, 2009; or

4568 (b) revoke, for a period of two years, the driver license of a person if:

4569 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4570 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4571 and within a period of 10 years after the date of the prior violation.

4572 (7) The Driver License Division shall, if the person is 19 years of age or older but
4573 under 21 years of age on the date of arrest:

4574 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
4575 longer, the driver license of a person convicted under Subsection (2) of an offense committed
4576 on or after July 1, 2011; or

4577 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
4578 longer, the driver license of a person if:

4579 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4580 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4581 and within a period of 10 years after the date of the prior violation.

4582 (8) The Driver License Division shall, if the person is under 19 years of age on the date

4583 of arrest:

4584 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
4585 under Subsection (2) of an offense committed on or after July 1, 2009; or

4586 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4587 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4588 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4589 and within a period of 10 years after the date of the prior violation.

4590 (9) The Driver License Division shall subtract from any suspension or revocation

4591 period the number of days for which a license was previously suspended under Section

4592 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon

4593 which the record of conviction is based.

4594 (10) The Driver License Division shall:

4595 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
4596 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was

4597 committed prior to July 1, 2009; or

4598 (b) deny, suspend, or revoke the operator's license of a person for the denial,

4599 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4600 (i) the person was 20 years of age or older but under 21 years of age at the time of

4601 arrest; and

4602 (ii) the conviction under Subsection (2) is for an offense that was committed on or after

4603 July 1, 2009, and prior to July 1, 2011.

4604 (11) A court that reported a conviction of a violation of this section for a violation that

4605 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension

4606 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period

4607 if the person:

4608 (a) completes at least six months of the license suspension;

4609 (b) completes a screening;

4610 (c) completes an assessment, if it is found appropriate by a screening under Subsection

4611 (11)(b);

4612 (d) completes substance abuse treatment if it is found appropriate by the assessment

4613 under Subsection (11)(c);

4614 (e) completes an educational series if substance abuse treatment is not required by the
4615 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4616 (f) has not been convicted of a violation of any motor vehicle law in which the person
4617 was involved as the operator of the vehicle during the suspension period imposed under
4618 Subsection (7)(a) or (8)(a);

4619 (g) has complied with all the terms of the person's probation or all orders of the court if
4620 not ordered to probation; and

4621 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
4622 person has not consumed a controlled substance not prescribed by a practitioner for use by the
4623 person or unlawfully consumed alcohol during the suspension period imposed under
4624 Subsection (7)(a) or (8)(a); or

4625 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
4626 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
4627 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
4628 for use by the person or unlawfully consumed alcohol during the suspension period imposed
4629 under Subsection (7)(a) or (8)(a).

4630 (12) If the court shortens a person's license suspension period in accordance with the
4631 requirements of Subsection (11), the court shall forward the order shortening the person's
4632 license suspension period prior to the completion of the suspension period imposed under
4633 Subsection (7)(a) or (8)(a) to the Driver License Division.

4634 (13) (a) The court shall notify the Driver License Division if a person fails to:

4635 (i) complete all court ordered screening and assessment, educational series, and
4636 substance abuse treatment; or

4637 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4638 (b) Upon receiving the notification, the division shall suspend the person's driving
4639 privilege in accordance with Subsections 53-3-221(2) and (3).

4640 (14) The court:

4641 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
4642 convicted under Subsection (2); and

4643 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
4644 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4645 (15) (a) A court that reported a conviction of a violation of this section to the Driver
4646 License Division may shorten the suspension period imposed under Subsection (6) before
4647 completion of the suspension period if the person is participating in or has successfully
4648 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4649 (b) If the court shortens a person's license suspension period in accordance with the
4650 requirements of this Subsection (15), the court shall forward to the Driver License Division the
4651 order shortening the person's suspension period.

4652 (c) The court shall notify the Driver License Division if a person fails to complete all
4653 requirements of a 24-7 sobriety program.

4654 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
4655 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4656 Section 98. Section 41-6a-517 (Effective 07/01/19) is amended to read:

4657 **41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable**
4658 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4659 (1) As used in this section:

4660 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

4661 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

4662 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

4663 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

4664 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
4665 operate or be in actual physical control of a motor vehicle within this state if the person has any
4666 measurable controlled substance or metabolite of a controlled substance in the person's body.

4667 (3) It is an affirmative defense to prosecution under this section that the controlled
4668 substance was:

4669 (a) involuntarily ingested by the accused;

4670 (b) prescribed by a practitioner for use by the accused [~~or recommended by a physician~~
4671 ~~for use by the accused; or~~];

4672 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
4673 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
4674 Cannabis Act; or

4675 [~~e~~] (d) otherwise legally ingested.

4676 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
4677 misdemeanor.

4678 (b) A person who violates this section is subject to conviction and sentencing under
4679 both this section and any applicable offense under Section 58-37-8.

4680 (5) A peace officer may, without a warrant, arrest a person for a violation of this
4681 section when the officer has probable cause to believe the violation has occurred, although not
4682 in the officer's presence, and if the officer has probable cause to believe that the violation was
4683 committed by the person.

4684 (6) The Driver License Division shall, if the person is 21 years of age or older on the
4685 date of arrest:

4686 (a) suspend, for a period of 120 days, the driver license of a person convicted under
4687 Subsection (2) of an offense committed on or after July 1, 2009; or

4688 (b) revoke, for a period of two years, the driver license of a person if:

4689 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4690 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4691 and within a period of 10 years after the date of the prior violation.

4692 (7) The Driver License Division shall, if the person is 19 years of age or older but
4693 under 21 years of age on the date of arrest:

4694 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
4695 longer, the driver license of a person convicted under Subsection (2) of an offense committed
4696 on or after July 1, 2011; or

4697 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
4698 longer, the driver license of a person if:

4699 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4700 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4701 and within a period of 10 years after the date of the prior violation.

4702 (8) The Driver License Division shall, if the person is under 19 years of age on the date
4703 of arrest:

4704 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
4705 under Subsection (2) of an offense committed on or after July 1, 2009; or

4706 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4707 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
4708 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4709 and within a period of 10 years after the date of the prior violation.

4710 (9) The Driver License Division shall subtract from any suspension or revocation
4711 period the number of days for which a license was previously suspended under Section
4712 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
4713 which the record of conviction is based.

4714 (10) The Driver License Division shall:

4715 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
4716 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
4717 committed prior to July 1, 2009; or

4718 (b) deny, suspend, or revoke the operator's license of a person for the denial,
4719 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4720 (i) the person was 20 years of age or older but under 21 years of age at the time of
4721 arrest; and

4722 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
4723 July 1, 2009, and prior to July 1, 2011.

4724 (11) A court that reported a conviction of a violation of this section for a violation that
4725 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension
4726 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
4727 if the person:

4728 (a) completes at least six months of the license suspension;

4729 (b) completes a screening;

4730 (c) completes an assessment, if it is found appropriate by a screening under Subsection
4731 (11)(b);

4732 (d) completes substance abuse treatment if it is found appropriate by the assessment
4733 under Subsection (11)(c);

4734 (e) completes an educational series if substance abuse treatment is not required by the
4735 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4736 (f) has not been convicted of a violation of any motor vehicle law in which the person
4737 was involved as the operator of the vehicle during the suspension period imposed under

4738 Subsection (7)(a) or (8)(a);

4739 (g) has complied with all the terms of the person's probation or all orders of the court if
4740 not ordered to probation; and

4741 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
4742 person has not consumed a controlled substance not prescribed by a practitioner for use by the
4743 person or unlawfully consumed alcohol during the suspension period imposed under

4744 Subsection (7)(a) or (8)(a); or

4745 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
4746 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
4747 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
4748 for use by the person or unlawfully consumed alcohol during the suspension period imposed
4749 under Subsection (7)(a) or (8)(a).

4750 (12) If the court shortens a person's license suspension period in accordance with the
4751 requirements of Subsection (11), the court shall forward the order shortening the person's
4752 license suspension period prior to the completion of the suspension period imposed under
4753 Subsection (7)(a) or (8)(a) to the Driver License Division.

4754 (13) (a) The court shall notify the Driver License Division if a person fails to:

4755 (i) complete all court ordered screening and assessment, educational series, and
4756 substance abuse treatment; or

4757 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4758 (b) Upon receiving the notification, the division shall suspend the person's driving
4759 privilege in accordance with Subsections 53-3-221(2) and (3).

4760 (14) The court:

4761 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
4762 convicted under Subsection (2); and

4763 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
4764 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4765 (15) (a) A court that reported a conviction of a violation of this section to the Driver
4766 License Division may shorten the suspension period imposed under Subsection (6) before
4767 completion of the suspension period if the person is participating in or has successfully
4768 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4769 (b) If the court shortens a person's license suspension period in accordance with the
4770 requirements of this Subsection (15), the court shall forward to the Driver License Division the
4771 order shortening the person's suspension period.

4772 (c) The court shall notify the Driver License Division if a person fails to complete all
4773 requirements of a 24-7 sobriety program.

4774 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
4775 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4776 Section 99. Section 49-11-1401 is amended to read:

4777 **49-11-1401. Forfeiture of retirement benefits for employees for employment**
4778 **related offense convictions -- Notifications -- Investigations -- Appeals.**

4779 (1) As used in this section:

4780 (a) "Convicted" means a conviction by plea or by verdict, including a plea of guilty or a
4781 plea of no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
4782 regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance
4783 with the plea in abeyance agreement.

4784 (b) "Employee" means a member of a system or plan administered by the board.

4785 (c) (i) "Employment related offense" means a felony committed during employment or
4786 the term of an elected or appointed office with a participating employer that is:

4787 [(i)] (A) during the performance of the employee's duties;

4788 [(ii)] (B) within the scope of the employee's employment; or

4789 [(iii)] (C) under color of the employee's authority.

4790 (ii) "Employment related offense" does not include any federal offense for conduct that
4791 is lawful under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4792 (2) (a) Notwithstanding any other provision of this title, an employee shall forfeit
4793 accrual of service credit, employer retirement related contributions, including employer
4794 contributions to the employer sponsored defined contribution plans, or other retirement related
4795 benefits from a system or plan under this title in accordance with this section.

4796 (b) The forfeiture of retirement related benefits under Subsection (2)(a) does not
4797 include the employee's contribution to a defined contribution plan.

4798 (3) An employee shall forfeit the benefits described under Subsection (2)(a):

4799 (a) if the employee is convicted of an employment related offense;

- 4800 (b) beginning on the day on which the employment related offense occurred; and
- 4801 (c) until the employee is either:
 - 4802 (i) re-elected or reappointed to office; or
 - 4803 (ii) (A) terminated from the position for which the employee was found to have
 - 4804 committed an employment related offense; and
 - 4805 (B) rehired or hired as an employee who is eligible to be a member of a Utah state
 - 4806 retirement system or plan.
- 4807 (4) The employee's participating employer shall:
 - 4808 (a) immediately notify the office:
 - 4809 (i) if an employee is charged with an offense that is or may be an employment related
 - 4810 offense under this section; and
 - 4811 (ii) if the employee described in Subsection (4)(a)(i) is acquitted of the offense that is
 - 4812 or may be an employment related offense under this section; and
 - 4813 (b) if the employee is convicted of an offense that may be an employment related
 - 4814 offense:
 - 4815 (i) conduct an investigation, which may rely on the conviction, to determine:
 - 4816 (A) whether the conviction is for an employment related offense; and
 - 4817 (B) the date on which the employment related offense was initially committed; and
 - 4818 (ii) after the period of time for an appeal by an employee under Subsection (5),
 - 4819 immediately notify the office of the employer's determination under this Subsection (4)(b).
 - 4820 (5) An employee may appeal the employee's participating employer's determination
 - 4821 under Subsection (4)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures
 - 4822 Act.
 - 4823 (6) (a) Notwithstanding Subsection (4), a district attorney, a county attorney, the
 - 4824 attorney general's office, or the state auditor may notify the office and the employee's
 - 4825 participating employer if an employee is charged with an offense that is or may be an
 - 4826 employment related offense under this section.
 - 4827 (b) If the employee's participating employer receives a notification under Subsection
 - 4828 (6)(a), the participating employer shall immediately report to the entity that provided the
 - 4829 notification under Subsection (6)(a):
 - 4830 (i) if the employee is acquitted of the offense;

4831 (ii) if the employee is convicted of an offense that may be an employment related
4832 offense; and

4833 (iii) when the participating employer has concluded its duties under this section if the
4834 employee is convicted, including conducting an investigation, making a determination under
4835 Subsection (4)(b) that the conviction was for an employment related offense, and notifying the
4836 office under Subsection (7).

4837 (c) The notifying entity under Subsection (6)(a) may assist the employee's participating
4838 employer with the investigation and determination described under Subsection (4)(b).

4839 (7) Upon receiving a notification from a participating employer that the participating
4840 employer has made a determination under Subsection (4)(b) that the conviction was for an
4841 employment related offense, the office shall immediately forfeit any service credit, employer
4842 retirement related contributions, including employer contributions to the employer sponsored
4843 contribution plans, or other retirement related benefits accrued by or made for the benefit of the
4844 employee, beginning on the date of the initial employment related offense determined under
4845 Subsection (4)(b).

4846 (8) This section applies to an employee who is convicted on or after the effective date
4847 of this act for an employment related offense.

4848 (9) The board may make rules to implement this section.

4849 (10) If any provision of this section, or the application of any provision to any person
4850 or circumstance, is held invalid, the remainder of this section shall be given effect without the
4851 invalid provision or application.

4852 Section 100. Section **53-1-106.5** is amended to read:

4853 **53-1-106.5. Utah Medical Cannabis Act -- Department duties.**

4854 In addition to the duties described in Section [53-1-106](#), the department shall:

4855 (1) provide standards for training peace officers and law enforcement agencies in the
4856 use of the state electronic verification system; and

4857 (2) collaborate with the Department of Health and the Department of Agriculture and
4858 Food to provide standards for training peace officers and law enforcement agencies in medical
4859 cannabis law.

4860 Section 101. Section **58-17b-302** is amended to read:

4861 **58-17b-302. License required -- License classifications for pharmacy facilities.**

- 4862 (1) A license is required to act as a pharmacy, except:
- 4863 (a) as specifically exempted from licensure under Section [58-1-307](#)[~~7~~]; and
- 4864 (b) for the operation of a medical cannabis pharmacy or the state central fill medical
- 4865 cannabis pharmacy under Title 26, Chapter 61a, Utah Medical Cannabis Act.
- 4866 (2) The division shall issue a pharmacy license to a facility that qualifies under this
- 4867 chapter in the classification of a:
- 4868 (a) class A pharmacy;
- 4869 (b) class B pharmacy;
- 4870 (c) class C pharmacy;
- 4871 (d) class D pharmacy;
- 4872 (e) class E pharmacy; or
- 4873 (f) dispensing medical practitioner clinic pharmacy.
- 4874 (3) (a) Each place of business shall require a separate license.
- 4875 (b) If multiple pharmacies exist at the same address, a separate license shall be required
- 4876 for each pharmacy.
- 4877 (4) (a) The division may further define or supplement the classifications of pharmacies.
- 4878 (b) The division may impose restrictions upon classifications to protect the public
- 4879 health, safety, and welfare.
- 4880 (5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall
- 4881 have a pharmacist-in-charge, except as otherwise provided by rule.
- 4882 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
- 4883 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
- 4884 of the pharmacy, regardless of the form of the business organization.
- 4885 Section 102. Section **58-17b-310** is amended to read:
- 4886 **58-17b-310. Continuing education.**
- 4887 (1) The division in collaboration with the board may establish by rule continuing
- 4888 education requirements for each classification of licensure under this chapter.
- 4889 (2) The division shall accept and apply toward an hour requirement that the division
- 4890 establishes under Subsection (1) continuing education that a pharmacist completes in
- 4891 accordance with Sections [26-61a-403](#) and [26-61a-601](#).
- 4892 Section 103. Section **58-17b-502** is amended to read:

4893 **58-17b-502. Unprofessional conduct.**

4894 (1) "Unprofessional conduct" includes:

4895 ~~[(1)]~~ (a) willfully deceiving or attempting to deceive the division, the board, or their

4896 agents as to any relevant matter regarding compliance under this chapter;

4897 ~~[(2)]~~ (a) ~~(b)~~ except as provided in Subsection (2)~~[(b)]~~:

4898 (i) paying or offering rebates to practitioners or any other health care providers, or

4899 receiving or soliciting rebates from practitioners or any other health care provider; or

4900 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,

4901 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care

4902 provider, for the purpose of obtaining referrals~~[-]~~;

4903 ~~[(b) Subsection (2)(a) does not apply to:]~~

4904 ~~[(i) giving or receiving price discounts based on purchase volume;]~~

4905 ~~[(ii) passing along pharmaceutical manufacturer's rebates; or]~~

4906 ~~[(iii) providing compensation for services to a veterinarian.]~~

4907 ~~[(3)]~~ (c) misbranding or adulteration of any drug or device or the sale, distribution, or

4908 dispensing of any outdated, misbranded, or adulterated drug or device;

4909 ~~[(4)]~~ (d) engaging in the sale or purchase of drugs or devices that are samples or

4910 packages bearing the inscription "sample" or "not for resale" or similar words or phrases;

4911 ~~[(5)]~~ (e) except as provided in Section [58-17b-503](#) or Part 9, Charitable Prescription

4912 Drug Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it

4913 has left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section

4914 [58-17b-503](#), or the manufacturer's sealed container, as defined in rule;

4915 ~~[(6)]~~ (f) an act in violation of this chapter committed by a person for any form of

4916 compensation if the act is incidental to the person's professional activities, including the

4917 activities of a pharmacist, pharmacy intern, or pharmacy technician;

4918 ~~[(7)]~~ (g) violating:

4919 ~~[(a)]~~ (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

4920 ~~[(b)]~~ (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

4921 ~~[(c)]~~ (iii) rules or regulations adopted under either act;

4922 ~~[(8)]~~ (h) requiring or permitting pharmacy interns or technicians to engage in activities

4923 outside the scope of practice for their respective license classifications, as defined in this

4924 chapter and division rules made in collaboration with the board, or beyond their scope of
4925 training and ability;

4926 ~~[(9)]~~ (i) administering:

4927 ~~[(a)]~~ (i) without appropriate training, as defined by rule;

4928 ~~[(b)]~~ (ii) without a physician's order, when one is required by law; and

4929 ~~[(c)]~~ (iii) in conflict with a practitioner's written guidelines or written protocol for
4930 administering;

4931 ~~[(10)]~~ (j) disclosing confidential patient information in violation of the provisions of
4932 the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110
4933 Stat. 1936, as amended, or other applicable law;

4934 ~~[(11)]~~ (k) engaging in the practice of pharmacy without a licensed pharmacist
4935 designated as the pharmacist-in-charge;

4936 ~~[(12)]~~ (l) failing to report to the division any adverse action taken by another licensing
4937 jurisdiction, government agency, law enforcement agency, or court for conduct that in
4938 substance would be considered unprofessional conduct under this section;

4939 ~~[(13)]~~ (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a
4940 dosage form which is regularly and commonly available from a manufacturer in quantities and
4941 strengths prescribed by a practitioner; ~~[and]~~

4942 ~~[(14)]~~ (n) failing to act in accordance with Title 26, Chapter 64, Family Planning
4943 Access Act, when dispensing a self-administered hormonal contraceptive under a standing
4944 order~~[-];~~ and

4945 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

4946 (2) Subsection (1)(b) does not apply to:

4947 (a) giving or receiving a price discount based on purchase volume;

4948 (b) passing along a pharmaceutical manufacturer's rebate; or

4949 (c) providing compensation for services to a veterinarian.

4950 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
4951 61a, Utah Medical Cannabis Act:

4952 (a) when registered as a pharmacy medical provider, as that term is defined in Section
4953 20-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
4954 (b) when registered as a state central fill medical provider, as that term is defined in

4955 Section 26-61a-102, providing state central fill medical provider services in the state central fill
4956 medical cannabis pharmacy.

4957 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
4958 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
4959 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

4960 Section 104. Section **58-20b-101** is enacted to read:

4961 **CHAPTER 20b. ENVIRONMENTAL HEALTH SCIENTIST ACT**

4962 **Part 1. General Provisions.**

4963 **58-20b-101. Title.**

4964 This chapter is known as the "Environmental Health Scientist Act."

4965 Section 105. Section **58-20b-102** is enacted to read:

4966 **58-20b-102. Definitions.**

4967 In addition to the definitions in Section 58-1-102, as used in this chapter:

4968 (1) "Accredited program" means a degree-offering program from:

4969 (a) an institution, college, or university that is accredited by the Department of
4970 Education or the Council for Higher Education Accreditation; or

4971 (b) a non-accredited institution, college, or university that offers education equivalent
4972 to Department of Education-accredited programs, as determined by a third party selected by the
4973 board.

4974 (2) "Board" means the Environmental Health Scientist Board created in Section

4975 58-20b-201.

4976 (3) "General supervision" means the supervising environmental health scientist is
4977 available for immediate voice communication with the person he or she is supervising.

4978 (4) "Practice of environmental health science" means:

4979 (a) the enforcement of, the issuance of permits required by, or the inspection for the
4980 purpose of enforcing state and local public health laws in the following areas:

4981 (i) air quality;

4982 (ii) food quality;

4983 (iii) solid, hazardous, and toxic substances disposal;

4984 (iv) consumer product safety;

4985 (v) housing;

- 4986 (vi) noise control;
- 4987 (vii) radiation protection;
- 4988 (viii) water quality;
- 4989 (ix) vector control;
- 4990 (x) drinking water quality;
- 4991 (xi) milk sanitation;
- 4992 (xii) rabies control;
- 4993 (xiii) public health nuisances;
- 4994 (xiv) indoor clean air regulations;
- 4995 (xv) institutional and residential sanitation; or
- 4996 (xvi) recreational facilities sanitation; or
- 4997 (b) representing oneself in any manner as, or using the titles "environmental health
- 4998 scientist," "environmental health scientist-in-training," or "registered sanitarian."
- 4999 (5) "Unlawful conduct" means the same as that term is defined in Section [58-1-501](#).
- 5000 (6) "Unprofessional conduct" means the same as that term is defined in Sections
- 5001 [58-1-501](#) and [58-20b-501](#) and as may be further defined by division rule.

5002 Section 106. Section **58-20b-201** is enacted to read:

5003 **Part 2. Board.**

5004 **58-20b-201. Board.**

5005 (1) There is created the Environmental Health Scientist Board consisting of four

5006 environmental health scientists in good standing and one member of the general public.

5007 (2) The board shall be appointed and serve in accordance with Section [58-1-201](#).

5008 (3) The duties and responsibilities of the board shall be in accordance with Sections

5009 [58-1-202](#) and [58-1-203](#). In addition, the board shall designate one of its members on a

5010 permanent or rotating basis to:

5011 (a) assist the division in reviewing complaints concerning the unlawful or

5012 unprofessional conduct of a licensee; and

5013 (b) advise the division in its investigation of these complaints.

5014 (4) A board member who has, under Subsection (3), reviewed a complaint or advised

5015 in the investigation of the complaint is disqualified from participating with the board when the

5016 board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

5017 Section 107. Section **58-20b-301** is enacted to read:

5018 **Part 3. Licensing.**

5019 **58-20b-301. Licensure required -- License classifications.**

5020 (1) A person shall hold a license under this chapter in order to engage in the practice of
5021 environmental health science while employed by any of the following, except as specifically
5022 exempted in Section [58-20b-305](#) or [58-1-307](#):

5023 (a) a local health department;

5024 (b) the state Department of Health;

5025 (c) the state Department of Human Services;

5026 (d) the Department of Agriculture and Food as a food and dairy compliance officer; or

5027 (e) a local health department as its director of environmental health services.

5028 (2) Any other individual not subject to Subsection (1) may also be licensed under this
5029 chapter upon compliance with all requirements.

5030 (3) The division shall issue to persons who qualify under this chapter a license in the
5031 classification:

5032 (a) environmental health scientist; or

5033 (b) environmental health scientist-in-training.

5034 Section 108. Section **58-20b-302** is enacted to read:

5035 **58-20b-302. Qualifications for licensure.**

5036 (1) Except as provided in Subsection (2), an applicant for licensure as an
5037 environmental health scientist shall:

5038 (a) submit an application in a form prescribed by the division;

5039 (b) pay a fee determined by the department under Section [63J-1-504](#);

5040 (c) be of good moral character;

5041 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
5042 or college, which degree includes completion of specific course work as defined by rule;

5043 (e) pass an examination as determined by division rule in collaboration with the board;

5044 and

5045 (f) pass the Utah Law and Rules Examination for Environmental Health Scientists
5046 administered by the division.

5047 (2) An applicant for licensure as an environmental health scientist-in-training shall:

- 5048 (a) submit an application in a form prescribed by the division;
- 5049 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 5050 (c) be of good moral character;
- 5051 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
- 5052 or college, which degree includes completion of specific course work as defined by rule;
- 5053 (e) pass the Utah Law and Rules Examination for Environmental Health Scientists
- 5054 administered by the division; and
- 5055 (f) present evidence acceptable to the division and the board that the applicant, when
- 5056 licensed, will practice as an environmental health scientist-in-training only under the general
- 5057 supervision of a supervising environmental health scientist licensed under this chapter.

5058 Section 109. Section **58-20b-303** is enacted to read:

5059 **58-20b-303. Term of license -- Expiration -- Renewal.**

- 5060 (1) (a) The division shall issue each license for an environmental health scientist in
- 5061 accordance with a two-year renewal cycle established by rule.
- 5062 (b) The division may by rule extend or shorten a renewal period by as much as one year
- 5063 to stagger the renewal cycles it administers.
- 5064 (2) Each license for an environmental health scientist-in-training shall be issued for a
- 5065 term of two years and may not be renewed.
- 5066 (3) Each license issued under this chapter automatically expires on the expiration date
- 5067 shown on the license unless the licensee renews it in accordance with Section [58-1-308](#).

5068 Section 110. Section **58-20b-304** is enacted to read:

5069 **58-20b-304. Continuing education.**

- 5070 Each person holding a license under this chapter as an environmental health scientist or
- 5071 an environmental health scientist-in-training shall complete in each two-year period of
- 5072 licensure not fewer than 30 hours of professional continuing education in accordance with
- 5073 standards defined by division rule.

5074 Section 111. Section **58-20b-305** is enacted to read:

5075 **58-20b-305. Exemptions from licensure.**

- 5076 In addition to the exemptions from licensure in Section [58-1-307](#), a person is exempt
- 5077 from the licensure requirements of this chapter if:
- 5078 (1) the person's practice of environmental health science is limited to inspecting in

5079 order to enforce compliance with an inspection and maintenance program established pursuant
5080 to Section 41-6a-1642 or to issuing permits under that program;

5081 (2) the person is a laboratory staff person employed by the Department of Agriculture
5082 and Food or the Department of Health, and in the person's employment inspects, permits,
5083 certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local
5084 public health laws; or

5085 (3) the person is the local health officer of a local public health department, which
5086 employs a director of environmental health services licensed under this chapter.

5087 Section 112. Section **58-20b-401** is enacted to read:

5088 **Part 4. License Denial and Discipline.**

5089 **58-20b-401. Grounds for denial of license -- Disciplinary proceedings.**

5090 Grounds for refusing to issue a license to an applicant, for refusing to renew the license
5091 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a
5092 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and
5093 desist order shall be in accordance with Section 58-1-401.

5094 Section 113. Section **58-20b-501** is enacted to read:

5095 **Part 5. Unprofessional Conduct.**

5096 **58-20b-501. Unprofessional conduct.**

5097 "Unprofessional conduct" includes:

5098 (1) acting dishonestly or fraudulently in the performance of professional duties as an
5099 environmental health scientist or environmental health scientist-in-training;

5100 (2) intentionally filing a false report or record in the performance of professional duties
5101 as an environmental health scientist or environmental health scientist-in-training; and

5102 (3) willfully impeding or obstructing another person from filing a report in the
5103 performance of professional duties as an environmental health scientist or environmental health
5104 scientist-in-training.

5105 Section 114. Section **58-31b-305** is amended to read:

5106 **58-31b-305. Term of license -- Expiration -- Renewal.**

5107 (1) The division shall issue each license or certification under this chapter in
5108 accordance with a two-year renewal cycle established by rule. The division may by rule extend
5109 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

5110 (2) The division shall renew the license of a licensee who, at the time of renewal:

5111 (a) completes and submits an application for renewal in a form prescribed by the
5112 division;

5113 (b) pays a renewal fee established by the division under Section [63J-1-504](#); and

5114 (c) meets continuing competency requirements as established by rule.

5115 (3) In addition to the renewal requirements under Subsection (2), a person licensed as
5116 ~~[a]~~ an advanced practice registered nurse shall be currently certified by a program approved by
5117 the division in collaboration with the board and submit evidence satisfactory to the division of
5118 that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

5119 (4) In addition to the requirements described in Subsections (2) and (3), an advanced
5120 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of
5121 the day on which the division originally issued the licensee's license had not completed the
5122 division's clinical practice requirements in psychiatric and mental health nursing, shall, to
5123 qualify for renewal:

5124 (a) if renewing less than two years after the day on which the division originally issued
5125 the license, demonstrate satisfactory progress toward completing the clinical practice
5126 requirements; or

5127 (b) have completed the clinical practice requirements.

5128 (5) Each license or certification automatically expires on the expiration date shown on
5129 the license or certification unless renewed in accordance with Section [58-1-308](#).

5130 (6) The division shall accept and apply toward an hour requirement that the division
5131 establishes under Subsection (2)(c) continuing education that an advanced practice registered
5132 nurse completes in accordance with Section [26-61a-106](#).

5133 Section 115. Section **58-31b-502** is amended to read:

5134 **58-31b-502. Unprofessional conduct.**

5135 (1) "Unprofessional conduct" includes:

5136 ~~[(1)]~~ (a) failure to safeguard a patient's right to privacy as to the patient's person,
5137 condition, diagnosis, personal effects, or any other matter about which the licensee is privileged
5138 to know because of the licensee's or person with a certification's position or practice as a nurse
5139 or practice as a medication aide certified;

5140 ~~[(2)]~~ (b) failure to provide nursing service or service as a medication aide certified in a

5141 manner that demonstrates respect for the patient's human dignity and unique personal character
5142 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
5143 status, age, sex, or the nature of the patient's health problem;

5144 ~~[(3)]~~ (c) engaging in sexual relations with a patient during any:

5145 ~~[(a)]~~ (i) period when a generally recognized professional relationship exists between
5146 the person licensed or certified under this chapter and the patient; or

5147 ~~[(b)]~~ (ii) extended period when a patient has reasonable cause to believe a professional
5148 relationship exists between the person licensed or certified under the provisions of this chapter
5149 and the patient;

5150 ~~[(4)]~~ ~~[(a)]~~ (d) (i) as a result of any circumstance under Subsection (3), exploiting or using
5151 information about a patient or exploiting the licensee's or the person with a certification's
5152 professional relationship between the licensee or holder of a certification under this chapter and
5153 the patient; or

5154 ~~[(b)]~~ (ii) exploiting the patient by use of the licensee's or person with a certification's
5155 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

5156 ~~[(5)]~~ (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

5157 ~~[(6)]~~ (f) unauthorized taking or personal use of nursing supplies from an employer;

5158 ~~[(7)]~~ (g) unauthorized taking or personal use of a patient's personal property;

5159 ~~[(8)]~~ (h) knowingly entering into any medical record any false or misleading
5160 information or altering a medical record in any way for the purpose of concealing an act,
5161 omission, or record of events, medical condition, or any other circumstance related to the
5162 patient and the medical or nursing care provided;

5163 ~~[(9)]~~ (i) unlawful or inappropriate delegation of nursing care;

5164 ~~[(10)]~~ (j) failure to exercise appropriate supervision of persons providing patient care
5165 services under supervision of the licensed nurse;

5166 ~~[(11)]~~ (k) employing or aiding and abetting the employment of an unqualified or
5167 unlicensed person to practice as a nurse;

5168 ~~[(12)]~~ (l) failure to file or record any medical report as required by law, impeding or
5169 obstructing the filing or recording of such a report, or inducing another to fail to file or record
5170 such a report;

5171 ~~[(13)]~~ (m) breach of a statutory, common law, regulatory, or ethical requirement of

5172 confidentiality with respect to a person who is a patient, unless ordered by a court;
5173 ~~[(14)]~~ (n) failure to pay a penalty imposed by the division;
5174 ~~[(15)]~~ (o) prescribing a Schedule ~~[H-HH]~~ II or III controlled substance without
5175 complying with the requirements in Section [58-31b-803](#);
5176 ~~[(16)]~~ (p) violating Section [58-31b-801](#);
5177 ~~[(17)]~~ (q) violating the dispensing requirements of Section [58-17b-309](#) or Chapter 17b,
5178 Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,
5179 if applicable; and
5180 ~~[(18)]~~ (r) establishing or operating a pain clinic without a consultation and referral plan
5181 for Schedule ~~[H-HH]~~ II or III controlled substances.

5182 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
5183 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
5184 is defined in Section [26-61a-102](#), recommending the use of medical cannabis.

5185 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
5186 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5187 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

5188 Section 116. Section **58-37-3.6 (Superseded 07/01/19)** is amended to read:

5189 **58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a**
5190 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

5191 (1) As used in this section:

5192 (a) "Cannabinoid product" means a product intended for human ingestion that:

5193 (i) contains an extract or concentrate that is obtained from cannabis;

5194 (ii) is prepared in a medicinal dosage form; and

5195 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

5196 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

5197 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3](#).

5198 (d) "Expanded cannabinoid product" means a product intended for human ingestion

5199 that:

5200 (i) contains an extract or concentrate that is obtained from cannabis;

5201 (ii) is prepared in a medicinal dosage form; and

5202 (iii) contains less than 10 units of cannabidiol for every one unit of

5203 tetrahydrocannabinol.

5204 (e) "Medicinal dosage form" means:

5205 (i) a tablet;

5206 (ii) a capsule;

5207 (iii) a concentrated oil;

5208 (iv) a liquid suspension;

5209 (v) a transdermal preparation; or

5210 (vi) a sublingual preparation.

5211 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
5212 description in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

5213 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
5214 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the
5215 penalties described in this title for the possession or distribution of marijuana or
5216 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
5217 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,
5218 Cannabinoid Research Act.

5219 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~
5220 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~
5221 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~
5222 ~~grow, process, or possess the cannabis under Section [4-41-203](#) and is in compliance with any~~
5223 ~~rules made pursuant to Section [4-41-204](#).]~~

5224 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~
5225 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~
5226 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~
5227 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

5228 Section 117. Section **58-37-3.6 (Effective 07/01/19)** is amended to read:

5229 **58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a**
5230 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

5231 (1) As used in this section:

5232 [(a) "Cannabidiol product" means the same as that term is defined in Section
5233 [4-41-102](#).]

- 5234 ~~[(b)]~~ (a) "Cannabinoid product" means a product intended for human ingestion that:
- 5235 (i) contains an extract or concentrate that is obtained from cannabis;
- 5236 (ii) is prepared in a medicinal dosage form; and
- 5237 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.
- 5238 ~~[(c)]~~ (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or
- 5239 not.
- 5240 ~~[(d)]~~ (c) "Drug paraphernalia" means the same as that term is defined in Section
- 5241 [58-37a-3](#).
- 5242 ~~[(e)]~~ (d) "Expanded cannabinoid product" means a product intended for human
- 5243 ingestion that:
- 5244 (i) contains an extract or concentrate that is obtained from cannabis;
- 5245 (ii) is prepared in a medicinal dosage form; and
- 5246 (iii) contains less than 10 units of cannabidiol for every one unit of
- 5247 tetrahydrocannabinol.
- 5248 ~~[(f)]~~ (e) "Medicinal dosage form" means:
- 5249 (i) a tablet;
- 5250 (ii) a capsule;
- 5251 (iii) a concentrated oil;
- 5252 (iv) a liquid suspension;
- 5253 (v) a transdermal preparation; or
- 5254 (vi) a sublingual preparation.
- 5255 ~~[(g)]~~ (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets
- 5256 the description in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).
- 5257 (2) Notwithstanding any other provision of this chapter~~[(a)]~~ an individual who
- 5258 possesses or distributes a cannabinoid product or an expanded cannabinoid product is not
- 5259 subject to the penalties described in this title for the possession or distribution of marijuana or
- 5260 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
- 5261 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,
- 5262 Cannabinoid Research Act~~[(a)]~~.
- 5263 ~~[(b) an individual who grows, processes, possesses, transports, or distributes~~
- 5264 ~~cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into~~

5265 cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent
5266 that the individual's growth, processing, possession, transportation, or distribution of the
5267 cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol
5268 Producers; and]

5269 [~~(c) a person who processes, possesses, or sells cannabidiol is not subject to the~~
5270 ~~penalties described in this title if:]~~

5271 [~~(i) the person is a cannabidiol-qualified pharmacy; or]~~

5272 [~~(ii) the person is an individual whose physician has recommended use of the~~
5273 ~~cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified~~
5274 ~~pharmacy:]~~

5275 [~~(3) Notwithstanding any other provision of this chapter, an individual who grows,~~
5276 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~
5277 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~
5278 ~~grow, process, or possess the cannabis under Section [4-41-203](#) and is in compliance with any~~
5279 ~~rules made pursuant to Section [4-41-204](#).]~~

5280 [~~(4) Notwithstanding any other provision of this chapter, an individual who possesses~~
5281 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~
5282 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~
5283 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

5284 Section 118. Section **58-37-3.7** is amended to read:

5285 **58-37-3.7. Medical cannabis decriminalization.**

5286 (1) As used in this section:

5287 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

5288 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

5289 (c) "Medical cannabis card" means the same as that term is defined in Section
5290 [26-61a-102](#).

5291 (d) "Medical cannabis device" means the same as that term is defined in Section
5292 [26-61a-102](#).

5293 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
5294 [26-61a-102](#).

5295 (f) "Medicinal dosage form" means the same as that term is defined in Section

5296 [26-61a-102.](#)

5297 (g) "Qualified medical provider" means the same as that term is defined in Section

5298 [26-61a-102.](#)

5299 (h) "Qualifying condition" means the same as that term is defined in Section

5300 [26-61a-102.](#)

5301 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section

5302 [58-37-3.9.](#)

5303 ~~[(+)]~~ (2) Before ~~[July]~~ January 1, ~~[2020]~~ 2021, ~~[it is an affirmative defense to criminal~~
5304 ~~charges against an individual]~~ an individual is not guilty under this chapter for the use[;] or
5305 possession[; or manufacture] of marijuana, tetrahydrocannabinol, or marijuana drug
5306 paraphernalia [under this chapter that] if:

5307 (a) at the time of the arrest, the individual [would be eligible for a medical cannabis
5308 card, and that the individuals conduct would have been lawful, after July 1, 2020.]:

5309 (i) (A) had been diagnosed with a qualifying condition; and

5310 (B) had a pre-existing provider-patient relationship with an advanced practice

5311 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or a physician

5312 licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under

5313 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who believed that the individual's

5314 illness described in Subsection (2)(a)(i)(A) could benefit from the use in question; or

5315 (ii) (A) for possession, was a medical cannabis cardholder; or

5316 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying

5317 condition under the supervision of a medical cannabis guardian cardholder; and

5318 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity
5319 described in Subsection [26-61a-502\(2\)](#).

5320 ~~[(2)]~~ (3) ~~[It is an affirmative defense to criminal charges against an individual]~~ An

5321 individual is not guilty under this chapter for the use or possession of marijuana,

5322 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

5323 (a) at the time of the arrest, the individual:

5324 (i) [is a] was not a resident of Utah or has been a resident of Utah for less than 45 days
5325 [and was issued];

5326 (ii) had a currently valid medical cannabis [identification] card or [its] the equivalent of

5327 a medical cannabis card under the laws of another state, district, territory, commonwealth, or
 5328 insular possession of the United States; and

5329 ~~[(b)]~~ (iii) ~~[the individual has]~~ had been diagnosed with a qualifying ~~[illness]~~ condition
 5330 as described in Section ~~[26-60b-105:]~~ 26-61a-104; and

5331 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity
 5332 described in Subsection 26-61a-502(2).

5333 ~~[(3) A court shall, for charges that the court dismisses under Subsection (1) or~~
 5334 ~~Subsection (2), dismiss the charges without prejudice.]~~

5335 Section 119. Section **58-37-3.8** is amended to read:

5336 **58-37-3.8. Enforcement.**

5337 (1) ~~[No]~~ A law enforcement officer ~~[employed by an agency that receives state or local~~
 5338 ~~government funds shall]~~, as that term is defined in Section 53-13-103, may not expend any
 5339 state or local resources, including the officer's time, to:

5340 (a) effect any arrest or seizure of cannabis, as that term is defined in Section
 5341 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to
 5342 constitute a violation of federal law if the officer has reason to believe that ~~[such]~~ the activity is
 5343 in compliance with the state medical cannabis laws~~[-nor shall any such officer expend any~~
 5344 ~~state or local resources, including the officer's time, to];~~

5345 (b) enforce a law that restricts an individual's right to acquire, own, or possess a
 5346 firearm based solely on the individual's possession or use of cannabis in accordance with state
 5347 medical cannabis laws; or

5348 (c) provide any information or logistical support related to ~~[such]~~ an activity described
 5349 in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

5350 (2) ~~[No]~~ An agency or political subdivision of ~~[Utah]~~ the state may ~~[rely on a violation~~
 5351 ~~of federal law as the sole basis for taking]~~ not take an adverse action against a person for
 5352 providing a professional ~~[services]~~ service to a medical cannabis ~~[dispensary]~~ pharmacy, as that
 5353 term is defined in Section 26-61a-102, the state central fill medical cannabis pharmacy, as that
 5354 term is defined in Section 26-61a-102, or a cannabis production establishment ~~[if the person~~
 5355 ~~has not violated the state medical cannabis laws]~~, as that term is defined in Section 4-41a-102,
 5356 on the sole basis that the service is a violation of federal law.

5357 Section 120. Section **58-37-3.9** is amended to read:

5358 **58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying**
5359 **illness.**

5360 (1) As used in this section:

5361 (a) "Cannabis" means marijuana.

5362 ~~[(b) "Cannabis dispensary" means the same as that term is defined in Section~~
5363 ~~26-60b-102.]~~

5364 ~~[(c) (b) "Cannabis product" means [a product that: (i) is intended for human ingestion;~~
5365 ~~and (ii) contains cannabis or tetrahydrocannabinol] the same as that term is defined in Section~~
5366 ~~26-61a-102.~~

5367 ~~[(d) "Designated caregiver" means the same as that term is defined in Section~~
5368 ~~26-60b-102.]~~

5369 ~~[(e) (c) "Drug paraphernalia" means the same as that term is defined in Section~~
5370 ~~58-37a-3.~~

5371 ~~[(f) "Marijuana" means the same as that term is defined in Section 58-37-2.]~~

5372 ~~[(g) (d) "Medical cannabis [card] cardholder" means the same as that term is defined~~
5373 ~~in Section [26-60b-102] 26-61a-102.~~

5374 ~~[(h) (e) [(i)] "Medical cannabis device" means [a device that an individual uses to~~
5375 ~~ingest cannabis or a cannabis product] the same as that term is defined in Section 26-61a-102.~~

5376 ~~[(ii) "Medical cannabis device" does not include a device that facilitates cannabis~~
5377 ~~combustion at a temperature of greater than 750 degrees Fahrenheit.]~~

5378 ~~[(i) (f) "[Qualifying illness] Medicinal dosage form" means the same as that term is~~
5379 ~~defined in Section [26-60b-102] 26-61a-102.~~

5380 ~~[(j) (g) "Tetrahydrocannabinol" means a substance derived from cannabis [that meets~~
5381 ~~the description] or a synthetic description as described in Subsection 58-37-4(2)(a)(iii)(AA).~~

5382 (2) Notwithstanding any other provision of law, except as otherwise provided in this
5383 section:

5384 (a) an individual ~~[who] is not guilty of a violation of this title for the following conduct~~
5385 ~~if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis~~
5386 ~~Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:~~

5387 ~~(i) [possesses, produces, manufactures, dispenses, distributes, sells, or offers]~~

5388 ~~possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or offering to~~

5389 sell cannabis or a cannabis product; or ~~[who possesses]~~

5390 (ii) possessing cannabis or a cannabis product with the intent to [produce, manufacture,
5391 dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the
5392 penalties described in this title for] engage in the conduct [to the extent that the individual's
5393 conduct complies with:] described in Subsection (2)(a)(i); and

5394 [(i)] (b) an individual is guilty of a violation of this title regarding drug paraphernalia if
5395 the individual, in accordance with Title 4, Chapter [41b] 41a, Cannabis Production
5396 [Establishment;] Establishments, and [(ii)] Title 26, Chapter [60b] 61a, Utah Medical
5397 Cannabis Act[;];

5398 [(b)] (i) [an individual who] possesses, manufactures, distributes, sells, or offers to sell
5399 a medical cannabis device; or

5400 (ii) [who] possesses a medical cannabis device with the intent to [manufacture,
5401 distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the
5402 penalties described in this title for the possession, manufacture, distribution, sale, or offer for
5403 sale of drug paraphernalia to the extent that the individual's] engage in any of the conduct
5404 [complies with:] described in Subsection (2)(b)(i).

5405 [(i) Title 4, Chapter 41b, Cannabis Production Establishment; and]

5406 [(ii) Title 26, Chapter 60b, Medical Cannabis Act.]

5407 [(3) For purposes of state law, except as otherwise provided in this section, activities
5408 related to cannabis shall be considered lawful and any cannabis consumed shall be considered
5409 legally ingested, as long as the conduct is in accordance with:]

5410 [(a) Title 4, Chapter 41b, Cannabis Production Establishment; and]

5411 [(b) Title 26, Chapter 60b, Medical Cannabis Act.]

5412 [(4)] (3) (a) As used in this Subsection (3), "smoking" does not include the
5413 vaporization or heating of medical cannabis.

5414 (b) [It is not lawful for] Title 26, Chapter 61a, Utah Medical Cannabis Act, does not
5415 authorize a medical cannabis [card holder] cardholder to smoke or combust cannabis or to use
5416 a device to facilitate the smoking or combustion of cannabis. [An individual convicted of
5417 violating this section is guilty of an infraction. For purposes of this section, smoking does not
5418 include a means of administration that involves cannabis combustion at a temperature that is
5419 not greater than 750 degrees Fahrenheit and that does not involve using a flame.]

5420 (c) A medical cannabis cardholder who smokes cannabis or engages in any other
5421 conduct described in Subsection (3)(b):

5422 (i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah
5423 Medical Cannabis Act; and

5424 (ii) is subject to charges under this chapter for the use or possession of marijuana,
5425 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection
5426 (3)(b).

5427 [~~(5) An individual is not exempt from the penalties described in this title for ingesting~~
5428 ~~cannabis or a cannabis product while operating a motor vehicle.]~~

5429 [(~~6~~) (4) An individual who is assessed a penalty or convicted of [~~an infraction~~] a crime
5430 under Title 4, Chapter [41b] 41a, Cannabis Production [Establishment] Establishments, or Title
5431 26, Chapter [60b] 61a, Utah Medical Cannabis Act, is not, based on the conduct underlying
5432 that penalty or conviction, subject to [the penalties] a penalty described in this chapter for:

5433 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis
5434 product; or

5435 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

5436 Section 121. Section **58-37f-203 (Effective 07/01/19)** is amended to read:

5437 **58-37f-203 (Effective 07/01/19). Submission, collection, and maintenance of data.**

5438 (1) (a) The division shall implement on a statewide basis, including non-resident
5439 pharmacies as defined in Section **58-17b-102**, the following two options for a pharmacist to
5440 submit information:

5441 (i) real-time submission of the information required to be submitted under this part to
5442 the controlled substance database; and

5443 (ii) 24-hour daily or next business day, whichever is later, batch submission of the
5444 information required to be submitted under this part to the controlled substance database.

5445 (b) (i) On and after January 1, 2016, a pharmacist shall comply with either:

5446 (A) the submission time requirements established by the division under Subsection
5447 (1)(a)(i); or

5448 (B) the submission time requirements established by the division under Subsection
5449 (1)(a)(ii).

5450 (ii) Prior to January 1, 2016, a pharmacist may submit information using either option

5451 under this Subsection (1).

5452 (c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

5453 (2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a
5454 controlled substance is dispensed shall submit the data described in this section to the division
5455 in accordance with:

5456 (i) the requirements of this section;

5457 (ii) the procedures established by the division;

5458 (iii) additional types of information or data fields established by the division; and

5459 (iv) the format established by the division.

5460 (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing
5461 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with
5462 the provisions of this section and the dispensing medical practitioner shall assume the duties of
5463 the pharmacist under this chapter.

5464 (3) ~~(a)~~ The pharmacist-in-charge and the pharmacist described in Subsection (2)
5465 shall, for each controlled substance dispensed by a pharmacist under the pharmacist's
5466 supervision other than those dispensed for an inpatient at a health care facility, submit to the
5467 division any type of information or data field established by the division by rule in accordance
5468 with Subsection (6).

5469 ~~[(b) The pharmacist described in Subsection (2) shall, in the case of a~~
5470 ~~cannabidiol-qualified pharmacy dispensing a cannabidiol product, submit the following~~
5471 ~~information to the division:]~~

5472 ~~[(i) the name of the recommending physician;]~~

5473 ~~[(ii) the date of the recommendation;]~~

5474 ~~[(iii) the date the recommendation was filed by the cannabidiol-qualified pharmacy;]~~

5475 ~~[(iv) the name of the individual for whom the recommendation was written; and]~~

5476 ~~[(v) any other information the division requires by rule, made in accordance with Title~~
5477 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

5478 (4) An individual whose records are in the database may obtain those records upon
5479 submission of a written request to the division.

5480 (5) (a) A patient whose record is in the database may contact the division in writing to
5481 request correction of any of the patient's database information that is incorrect. The patient

5482 shall provide a postal address for the division's response.

5483 (b) The division shall grant or deny the request within 30 days from receipt of the
5484 request and shall advise the requesting patient of its decision by mail postmarked within 35
5485 days of receipt of the request.

5486 (c) If the division denies a request under this Subsection (5) or does not respond within
5487 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days
5488 after the postmark date of the patient's letter making a request for a correction under this
5489 Subsection (5).

5490 (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
5491 Administrative Rulemaking Act, to establish submission requirements under this part,
5492 including:

5493 (a) electronic format;

5494 (b) submission procedures; and

5495 (c) required information and data fields.

5496 (7) The division shall ensure that the database system records and maintains for
5497 reference:

5498 (a) the identification of each individual who requests or receives information from the
5499 database;

5500 (b) the information provided to each individual; and

5501 (c) the date and time that the information is requested or provided.

5502 Section 122. Section **58-67-304** is amended to read:

5503 **58-67-304. License renewal requirements.**

5504 (1) As a condition precedent for license renewal, each licensee shall, during each
5505 two-year licensure cycle or other cycle defined by division rule:

5506 (a) complete qualified continuing professional education requirements in accordance
5507 with the number of hours and standards defined by division rule made in collaboration with the
5508 board;

5509 (b) appoint a contact person for access to medical records and an alternate contact
5510 person for access to medical records in accordance with Subsection **58-67-302(1)(j)**;

5511 (c) if the licensee practices medicine in a location with no other persons licensed under
5512 this chapter, provide some method of notice to the licensee's patients of the identity and

5513 location of the contact person and alternate contact person for the licensee; and

5514 (d) if the licensee is an associate physician licensed under Section [58-67-302.8](#),
5515 successfully complete the educational methods and programs described in Subsection
5516 [58-67-807\(4\)](#).

5517 (2) If a renewal period is extended or shortened under Section [58-67-303](#), the
5518 continuing education hours required for license renewal under this section are increased or
5519 decreased proportionally.

5520 (3) An application to renew a license under this chapter shall:

5521 (a) require a physician to answer the following question: "Do you perform elective
5522 abortions in Utah in a location other than a hospital?"; and

5523 (b) immediately following the question, contain the following statement: "For purposes
5524 of the immediately preceding question, elective abortion means an abortion other than one of
5525 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5526 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5527 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5528 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5529 the woman is pregnant as a result of rape or incest."

5530 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5531 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
5532 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
5533 division shall, within 30 days after the day on which it renews the physician's license under this
5534 chapter, inform the Department of Health in writing:

5535 (a) of the name and business address of the physician; and

5536 (b) that the physician responded positively to the question described in Subsection
5537 (3)(a).

5538 (5) The division shall accept and apply toward the hour requirement in Subsection
5539 (1)(a) and continuing education that a physician completes in accordance with Sections
5540 [26-61a-106](#), [26-61a-403](#), and [26-61a-601](#).

5541 Section 123. Section **58-67-502** is amended to read:

5542 **58-67-502. Unprofessional conduct.**

5543 (1) "Unprofessional conduct" includes, in addition to the definition in Section

5544 58-1-501:

5545 (a) using or employing the services of any individual to assist a licensee in any manner
5546 not in accordance with the generally recognized practices, standards, or ethics of the
5547 profession, state law, or division rule;

5548 (b) making a material misrepresentation regarding the qualifications for licensure under
5549 Section 58-67-302.7 or Section 58-67-302.8; ~~or~~

5550 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
5551 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable~~[-];~~ or

5552 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5553 (2) "Unprofessional conduct" does not include~~[-];~~

5554 (a) in compliance with Section 58-85-103:

5555 ~~(a)~~ (i) obtaining an investigational drug or investigational device;

5556 ~~(b)~~ (ii) administering the investigational drug to an eligible patient; or

5557 ~~(c)~~ (iii) treating an eligible patient with the investigational drug or investigational
5558 device~~[-];~~ or

5559 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5560 (i) when registered as a qualified medical provider, as that term is defined in Section
5561 26-61a-102, recommending the use of medical cannabis;

5562 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
5563 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

5564 (iii) when registered as a state central fill medical provider, as that term is defined in
5565 Section 26-61a-102, providing state central fill medical provider services in the state central fill
5566 medical cannabis pharmacy.

5567 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
5568 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5569 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5570 Section 124. Section 58-68-304 is amended to read:

5571 **58-68-304. License renewal requirements.**

5572 (1) As a condition precedent for license renewal, each licensee shall, during each
5573 two-year licensure cycle or other cycle defined by division rule:

5574 (a) complete qualified continuing professional education requirements in accordance

5575 with the number of hours and standards defined by division rule in collaboration with the
5576 board;

5577 (b) appoint a contact person for access to medical records and an alternate contact
5578 person for access to medical records in accordance with Subsection 58-68-302(1)(j);

5579 (c) if the licensee practices osteopathic medicine in a location with no other persons
5580 licensed under this chapter, provide some method of notice to the licensee's patients of the
5581 identity and location of the contact person and alternate contact person for access to medical
5582 records for the licensee in accordance with Subsection 58-68-302(1)(k); and

5583 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,
5584 successfully complete the educational methods and programs described in Subsection
5585 58-68-807(4).

5586 (2) If a renewal period is extended or shortened under Section 58-68-303, the
5587 continuing education hours required for license renewal under this section are increased or
5588 decreased proportionally.

5589 (3) An application to renew a license under this chapter shall:

5590 (a) require a physician to answer the following question: "Do you perform elective
5591 abortions in Utah in a location other than a hospital?"; and

5592 (b) immediately following the question, contain the following statement: "For purposes
5593 of the immediately preceding question, elective abortion means an abortion other than one of
5594 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5595 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5596 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5597 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5598 the woman is pregnant as a result of rape or incest."

5599 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5600 to the licensing of an abortion clinic, if a physician responds positively to the question
5601 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
5602 renews the physician's license under this chapter, inform the Department of Health in writing:

5603 (a) of the name and business address of the physician; and

5604 (b) that the physician responded positively to the question described in Subsection
5605 (3)(a).

5606 (5) The division shall accept and apply toward the hour requirement in Subsection
5607 (1)(a) and continuing education that a physician completes in accordance with Sections
5608 26-61a-106, 26-61a-403, and 26-61a-601.

5609 Section 125. Section **58-68-502** is amended to read:

5610 **58-68-502. Unprofessional conduct.**

5611 (1) "Unprofessional conduct" includes, in addition to the definition in Section
5612 58-1-501:

5613 (a) using or employing the services of any individual to assist a licensee in any manner
5614 not in accordance with the generally recognized practices, standards, or ethics of the
5615 profession, state law, or division rule;

5616 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
5617 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; ~~or~~

5618 (c) making a material misrepresentation regarding the qualifications for licensure under
5619 Section 58-68-302.5~~[-];~~ or

5620 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5621 (2) "Unprofessional conduct" does not include~~[-];~~

5622 (a) in compliance with Section 58-85-103:

5623 ~~[(a)]~~ (i) obtaining an investigational drug or investigational device;

5624 ~~[(b)]~~ (ii) administering the investigational drug to an eligible patient; or

5625 ~~[(c)]~~ (iii) treating an eligible patient with the investigational drug or investigational
5626 device~~[-];~~ or

5627 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5628 (i) when registered as a qualified medical provider, as that term is defined in Section
5629 26-61a-102, recommending the use of medical cannabis;

5630 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
5631 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

5632 (iii) when registered as a state central fill medical provider, as that term is defined in
5633 Section 26-61a-102, providing state central fill medical provider services in the state central fill
5634 medical cannabis pharmacy.

5635 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
5636 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define

5637 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5638 Section 126. Section **58-85-102** is amended to read:

5639 **58-85-102. Definitions.**

5640 As used in this chapter:

5641 [~~(1) "Cannabis" means cannabis that has been grown by a state-approved grower and~~
5642 ~~processed into a medicinal dosage form.]~~

5643 [~~(2) "Cannabis-based treatment" means a course of treatment involving cannabis.]~~

5644 [~~(3)~~] (1) "Eligible patient" means an individual who has been diagnosed with a
5645 terminal illness by a physician.

5646 [~~(4) "Health care facility" means the same as that term is defined in Section~~
5647 ~~26-55-102.]~~

5648 [~~(5)~~] (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

5649 [~~(6)~~] (3) "Investigational device" means a device that:

5650 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

5651 (b) has successfully completed the United States Food and Drug Administration Phase
5652 1 testing for an investigational device described in 21 C.F.R. Part 812.

5653 [~~(7)~~] (4) "Investigational drug" means a drug that:

5654 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

5655 (b) has successfully completed the United States Food and Drug Administration Phase
5656 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

5657 [~~(8)~~] (5) "Medicinal dosage form" means the same as that term is defined in Section
5658 58-37-3.6.

5659 [~~(9)~~] (6) "Physician" means an individual who is licensed under:

5660 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

5661 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

5662 [~~(10) "State-approved grower and processor" means a person who grows cannabis~~
5663 ~~pursuant to state law and processes the cannabis into a medicinal dosage form.]~~

5664 [~~(11)~~] (7) "Terminal illness" means a condition of a patient that:

5665 (a) as determined by a physician:

5666 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by
5667 treatment with an investigational drug or investigational device; and

5668 (ii) will inevitably lead to the patient's death; and
5669 (b) presents the patient, after the patient has explored conventional therapy options,
5670 with no treatment option that is satisfactory or comparable to treatment with an investigational
5671 drug or device.

5672 Section 127. Section **58-85-104** is amended to read:

5673 **58-85-104. Standard of care -- Medical practitioners not liable -- No private right**
5674 **of action.**

5675 (1) [(a)] It is not a breach of the applicable standard of care for a physician, other
5676 licensed health care provider, or hospital to treat an eligible patient with an investigational drug
5677 or investigational device under this chapter.

5678 [~~(b) It is not a breach of the applicable standard of care for a physician to recommend a~~
5679 ~~cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility~~
5680 ~~to aid or assist in any way a terminally ill patient's use of cannabis.]~~

5681 (2) A physician, other licensed health care provider, or hospital that treats an eligible
5682 patient with an investigational drug or investigational device under this chapter[~~, or a physician~~
5683 ~~who recommends a cannabis-based treatment to a terminally ill patient or a health care facility~~
5684 ~~that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under~~
5685 ~~this chapter,] may not, for any harm done to the eligible patient by the investigational drug or
5686 device, [~~or for any harm done to the terminally ill patient by the cannabis-based treatment,] be~~
5687 subject to:~~

5688 (a) civil liability;

5689 (b) criminal liability; or

5690 (c) licensure sanctions under:

5691 (i) for a physician:

5692 (A) Title 58, Chapter 67, Utah Medical Practice Act; or

5693 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

5694 (ii) for the other licensed health care provider, the act governing the other licensed
5695 health care provider's license; or

5696 (iii) for the hospital [~~or health care facility], Title 26, Chapter 21, Health Care Facility~~
5697 ~~Licensing and Inspection Act.~~

5698 (3) This chapter does not:

5699 (a) require a manufacturer of an investigational drug or investigational device to agree
5700 to make an investigational drug or investigational device available to an eligible patient or an
5701 eligible patient's physician;

5702 (b) require a physician to agree to:

5703 (i) administer an investigational drug to an eligible patient under this chapter; or

5704 (ii) treat an eligible patient with an investigational device under this chapter; or

5705 [~~(iii) recommend a cannabis-based treatment to a terminally ill patient; or~~]

5706 (c) create a private right of action for an eligible patient:

5707 (i) against a physician or hospital, for the physician's or hospital's refusal to:

5708 (A) administer an investigational drug to an eligible patient under this chapter; or

5709 (B) treat an eligible patient with an investigational device under this chapter; or

5710 [~~(C) recommend a cannabis-based treatment to the terminally ill patient; or~~]

5711 (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient
5712 with an investigational drug or an investigational device under this chapter.

5713 Section 128. Section **58-85-105** is amended to read:

5714 **58-85-105. Insurance coverage.**

5715 (1) This chapter does not:

5716 (a) require an insurer to cover the cost of:

5717 (i) administering an investigational drug under this chapter; or

5718 (ii) treating a patient with an investigational device under this chapter; or

5719 [~~(iii) a cannabis-based treatment; or~~]

5720 (b) prohibit an insurer from covering the cost of:

5721 (i) administering an investigational drug under this chapter; or

5722 (ii) treating a patient with an investigational device under this chapter[~~; or~~].

5723 [~~(iii) a cannabis-based treatment.~~]

5724 (2) Except as described in Subsection (3), an insurer may deny coverage to an eligible
5725 patient who is treated with an investigational drug or investigational device, for harm to the
5726 eligible patient caused by the investigational drug or investigational device.

5727 (3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:

5728 (a) the eligible patient's preexisting condition;

5729 (b) benefits that commenced before the day on which the eligible patient is treated with

5730 the investigational drug or investigational device; or

5731 (c) palliative or hospice care for an eligible patient that has been treated with an
5732 investigational drug or device, but is no longer receiving curative treatment with the
5733 investigational drug or device.

5734 Section 129. Section **59-12-104.10** is enacted to read:

5735 **59-12-104.10. Exemption from sales tax for cannabis.**

5736 (1) As used in this section:

5737 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

5738 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

5739 (c) "Medical cannabis device" means the same as that term is defined in Section
5740 [26-61a-102](#).

5741 (d) "Medical cannabis pharmacy" means the same as that term is defined in Section
5742 [26-61a-102](#).

5743 (e) "Medicinal dosage form" means the same as that term is defined in Section
5744 [26-61a-102](#).

5745 (f) "State central fill medical cannabis pharmacy" means the same as that term is
5746 defined in Section [26-61a-102](#).

5747 (2) In addition to the exemptions described in Section [59-12-104](#), the sale by a licensed
5748 medical cannabis pharmacy or the state central fill medical cannabis pharmacy of the following
5749 is not subject to the taxes this chapter imposes:

5750 (a) cannabis in a medicinal dosage form; or

5751 (b) a cannabis product in a medicinal dosage form.

5752 (3) The sale of a medical cannabis device by a medical cannabis pharmacy or the state
5753 central fill medical cannabis pharmacy is subject to the taxes this chapter imposes.

5754 Section 130. Section **62A-3-322** is enacted to read:

5755 **62A-3-322. Medical cannabis use by a vulnerable adult or guardian.**

5756 A peace officer or an employee or agent of the division may not solicit or provide, and a
5757 court may not order, emergency services for a vulnerable adult based solely on:

5758 (1) the vulnerable adult's possession or use of cannabis in accordance with Title 26,
5759 Chapter 61a, Utah Medical Cannabis Act; or

5760 (2) the guardian of the vulnerable adult assisting with the use of or possessing cannabis

5761 in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

5762 Section 131. Section **62A-4a-202.1** is amended to read:

5763 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody**
5764 **-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**
5765 **emergency placement.**

5766 (1) A peace officer or child welfare worker may not:

5767 (a) enter the home of a child who is not under the jurisdiction of the court, remove a
5768 child from the child's home or school, or take a child into protective custody unless authorized
5769 under Subsection **78A-6-106(2)**; or

5770 (b) remove a child from the child's home or take a child into custody under this section
5771 solely on the basis of:

5772 (i) educational neglect, truancy, or failure to comply with a court order to attend
5773 school; or

5774 (ii) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical
5775 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal
5776 dosage form, or a medical cannabis device [~~in the home, if the use and possession of the~~
5777 ~~cannabis, cannabis product, or medical cannabis device is in compliance with Title 26, Chapter~~
5778 ~~60b, Medical Cannabis Act~~], as those terms are defined in Section **26-61a-102**.

5779 (2) A child welfare worker within the division may take action under Subsection [(+10)]
5780 (1) accompanied by a peace officer, or without a peace officer when a peace officer is not
5781 reasonably available.

5782 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child
5783 into protective custody, the child welfare worker shall also determine whether there are
5784 services available that, if provided to a parent or guardian of the child, would eliminate the
5785 need to remove the child from the custody of the child's parent or guardian.

5786 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be
5787 utilized.

5788 (c) In determining whether the services described in Subsection (3)(a) are reasonably
5789 available, and in making reasonable efforts to provide those services, the child's health, safety,
5790 and welfare shall be the child welfare worker's paramount concern.

5791 (4) (a) A child removed or taken into custody under this section may not be placed or

5792 kept in a secure detention facility pending court proceedings unless the child is detainable
5793 based on guidelines promulgated by the Division of Juvenile Justice Services.

5794 (b) A child removed from the custody of the child's parent or guardian but who does
5795 not require physical restriction shall be given temporary care in:

5796 (i) a shelter facility; or

5797 (ii) an emergency placement in accordance with Section 62A-4a-209.

5798 (c) When making a placement under Subsection (4)(b), the Division of Child and
5799 Family Services shall give priority to a placement with a noncustodial parent, relative, or
5800 friend, in accordance with Section 62A-4a-209.

5801 [~~(a)~~] (d) If the child is not placed with a noncustodial parent, a relative, or a designated
5802 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor
5803 explaining why a different placement was in the child's best interest.

5804 (5) When a child is removed from the child's home or school or taken into protective
5805 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

5806 (a) the parent's rights under this part, including the right to be present and participate in
5807 any court proceeding relating to the child's case;

5808 (b) that it may be in the parent's best interest to contact an attorney and that, if the
5809 parent cannot afford an attorney, the court will appoint one;

5810 (c) the name and contact information of a division employee the parent may contact
5811 with questions;

5812 (d) resources that are available to the parent, including:

5813 (i) mental health resources;

5814 (ii) substance abuse resources; and

5815 (iii) parenting classes; and

5816 (e) any other information considered relevant by the division.

5817 (6) The pamphlet or flier described in Subsection (5) shall be:

5818 (a) evaluated periodically for its effectiveness at conveying necessary information and
5819 revised accordingly;

5820 (b) written in simple, easy-to-understand language; and

5821 (c) available in English and other languages as the division determines to be
5822 appropriate and necessary.

- 5823 Section 132. Section **63I-1-226** is amended to read:
- 5824 **63I-1-226. Repeal dates, Title 26.**
- 5825 (1) Section 26-1-40 is repealed July 1, 2019.
- 5826 ~~[(1)]~~ (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
- 5827 July 1, 2025.
- 5828 ~~[(2)]~~ (3) Section 26-10-11 is repealed July 1, 2020.
- 5829 (4) Subsection 26-18-417(3) is repealed July 1, 2020.
- 5830 ~~[(3)]~~ Section 26-21-23, Licensing of non-Medicaid nursing facility beds, is repealed
- 5831 July 1, 2018;]
- 5832 ~~[(4)]~~ (5) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
- 5833 2024.
- 5834 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.
- 5835 (7) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
- 5836 July 1, 2024.
- 5837 ~~[(5)]~~ (8) Title 26, Chapter ~~[36a]~~ 36d, Hospital Provider Assessment Act, is repealed
- 5838 July 1, ~~[2016]~~ 2019.
- 5839 ~~[(6)]~~ Section 26-38-2.5 is repealed July 1, 2017;]
- 5840 ~~[(7)]~~ Section 26-38-2.6 is repealed July 1, 2017;]
- 5841 ~~[(8)]~~ (9) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1,
- 5842 2019.
- 5843 (10) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed
- 5844 July 1, 2026.
- 5845 Section 133. Section **63I-1-258** is amended to read:
- 5846 **63I-1-258. Repeal dates, Title 58.**
- 5847 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
- 5848 repealed July 1, 2026.
- 5849 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 5850 (3) Title 58, Chapter ~~[20a]~~ 20b, Environmental Health Scientist Act, is repealed July 1,
- 5851 ~~[2018]~~ 2028.
- 5852 (4) Section 58-37-4.3 is repealed January 1, 2020.
- 5853 (5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative

5854 Research and General Counsel is authorized to renumber the remaining subsections
5855 accordingly.

5856 [~~5~~] (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,
5857 2023.

5858 [~~6~~] (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing
5859 Act, is repealed July 1, 2019.

5860 [~~7~~] (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,
5861 2025.

5862 [~~8~~] (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is
5863 repealed July 1, 2023.

5864 [~~9~~] (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,
5865 2024.

5866 [~~10~~] (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
5867 July 1, 2026.

5868 [~~11~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

5869 (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is
5870 repealed July 1, 2021.

5871 (14) The following sections are repealed on July 1, 2019:

5872 (a) Section 58-5a-502;

5873 (b) Section 58-31b-502.5;

5874 (c) Section 58-67-502.5;

5875 (d) Section 58-68-502.5; and

5876 (e) Section 58-69-502.5.

5877 Section 134. Section **67-19-33** is amended to read:

5878 **67-19-33. Controlled substances and alcohol use prohibited.**

5879 [~~An~~] Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an
5880 employee may not:

5881 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a
5882 controlled substance or alcohol during work hours or on state property except where legally
5883 permissible;

5884 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol

5885 if the activity prevents:

5886 (a) state agencies from receiving federal grants or performing under federal contracts of
5887 \$25,000 or more; or

5888 (b) the employee to perform his services or work for state government effectively as
5889 regulated by the rules of the executive director in accordance with Section 67-19-34; or

5890 (3) refuse to submit to a drug or alcohol test under Section 67-19-36.

5891 Section 135. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

5892 **78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.**

5893 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
5894 evidence of abandonment that the parent or parents:

5895 (a) although having legal custody of the child, have surrendered physical custody of the
5896 child, and for a period of six months following the surrender have not manifested to the child
5897 or to the person having the physical custody of the child a firm intention to resume physical
5898 custody or to make arrangements for the care of the child;

5899 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
5900 months;

5901 (c) failed to have shown the normal interest of a natural parent, without just cause; or

5902 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

5903 (2) In determining whether a parent or parents are unfit or have neglected a child the
5904 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

5905 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
5906 parent unable to care for the immediate and continuing physical or emotional needs of the child
5907 for extended periods of time;

5908 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
5909 nature;

5910 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
5911 dangerous drugs that render the parent unable to care for the child;

5912 (d) repeated or continuous failure to provide the child with adequate food, clothing,
5913 shelter, education, or other care necessary for the child's physical, mental, and emotional health
5914 and development by a parent or parents who are capable of providing that care;

5915 (e) whether the parent is incarcerated as a result of conviction of a felony, and the

5916 sentence is of such length that the child will be deprived of a normal home for more than one
5917 year;

5918 (f) a history of violent behavior; or

5919 (g) whether the parent has intentionally exposed the child to pornography or material
5920 harmful to a minor, as defined in Section [76-10-1201](#).

5921 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent
5922 [~~because of the~~] or otherwise consider a parent's lawful possession or consumption of cannabis
5923 in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical
5924 cannabis device, as those terms are defined in Section 26-61a-102, in accordance with Title 26,
5925 Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act.

5926 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
5927 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

5928 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
5929 unfit because of a health care decision made for a child by the child's parent unless the state or
5930 other party to the proceeding shows, by clear and convincing evidence, that the health care
5931 decision is not reasonable and informed.

5932 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
5933 obtain a second health care opinion.

5934 (6) If a child has been placed in the custody of the division and the parent or parents
5935 fail to comply substantially with the terms and conditions of a plan within six months after the
5936 date on which the child was placed or the plan was commenced, whichever occurs later, that
5937 failure to comply is evidence of failure of parental adjustment.

5938 (7) The following circumstances constitute prima facie evidence of unfitness:

5939 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
5940 child, due to known or substantiated abuse or neglect by the parent or parents;

5941 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
5942 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
5943 child's physical, mental, or emotional health and development;

5944 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
5945 of the child;

5946 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to

5947 commit murder or manslaughter of a child or child abuse homicide; or

5948 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
5949 of the child, without legal justification.

5950 Section 136. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

5951 **78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

5952 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
5953 evidence of abandonment that the parent or parents:

5954 (a) although having legal custody of the child, have surrendered physical custody of the
5955 child, and for a period of six months following the surrender have not manifested to the child
5956 or to the person having the physical custody of the child a firm intention to resume physical
5957 custody or to make arrangements for the care of the child;

5958 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
5959 months;

5960 (c) failed to have shown the normal interest of a natural parent, without just cause; or

5961 (d) have abandoned an infant, as described in Subsection [78A-6-316\(1\)](#).

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5963 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

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5965 parent unable to care for the immediate and continuing physical or emotional needs of the child
5966 for extended periods of time;

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5968 nature;

5969 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
5970 dangerous drugs that render the parent unable to care for the child;

5971 (d) repeated or continuous failure to provide the child with adequate food, clothing,
5972 shelter, education, or other care necessary for the child's physical, mental, and emotional health
5973 and development by a parent or parents who are capable of providing that care;

5974 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
5975 sentence is of such length that the child will be deprived of a normal home for more than one
5976 year;

5977 (f) a history of violent behavior; or

5978 (g) whether the parent has intentionally exposed the child to pornography or material
5979 harmful to a minor, as defined in Section [76-10-1201](#).

5980 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent
5981 because of or otherwise consider the parent's lawful possession or consumption of cannabis in a
5982 medicinal dosage form, a cannabis product, as those terms are defined in Section [26-61a-102](#) or
5983 a medical cannabis device, in accordance with Title 26, Chapter ~~[60b]~~ [61a](#), Utah Medical
5984 Cannabis Act.

5985 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
5986 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

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5988 unfit because of a health care decision made for a child by the child's parent unless the state or
5989 other party to the proceeding shows, by clear and convincing evidence, that the health care
5990 decision is not reasonable and informed.

5991 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
5992 obtain a second health care opinion.

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5994 fail to comply substantially with the terms and conditions of a plan within six months after the
5995 date on which the child was placed or the plan was commenced, whichever occurs later, that
5996 failure to comply is evidence of failure of parental adjustment.

5997 (7) The following circumstances constitute prima facie evidence of unfitness:

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5999 child, due to known or substantiated abuse or neglect by the parent or parents;

6000 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
6001 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
6002 child's physical, mental, or emotional health and development;

6003 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
6004 of the child;

6005 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
6006 commit murder or manslaughter of a child or child abuse homicide; or

6007 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
6008 of the child, without legal justification.

- 6009 Section 137. **Repealer.**
- 6010 This bill repeals:
- 6011 Section **4-41-201**, **Title.**
- 6012 Section **4-41-202**, **Definitions.**
- 6013 Section **4-41-203**, **Department to cultivate cannabis.**
- 6014 Section **4-41-301**, **Department to establish a state dispensary.**
- 6015 Section **4-41-302**, **Labeling.**
- 6016 Section **4-41-303**, **Department to set prices.**
- 6017 Section **4-41-304**, **Department to make rules regarding purchasers, communication**
- 6018 **-- Report.**
- 6019 Section **4-41b-104**, **Preemption.**
- 6020 Section **4-43-101** (Effective 07/01/19), **Title.**
- 6021 Section **4-43-102** (Effective 07/01/19), **Definitions.**
- 6022 Section **4-43-201** (Effective 07/01/19), **Cannabidiol processor -- Cannabidiol**
- 6023 **laboratory -- License -- Renewal.**
- 6024 Section **4-43-202** (Effective 07/01/19), **Renewal.**
- 6025 Section **4-43-203** (Effective 07/01/19), **Bond required for license.**
- 6026 Section **4-43-301** (Effective 07/01/19), **Cannabidiol processor and laboratory**
- 6027 **agents.**
- 6028 Section **4-43-401** (Effective 07/01/19), **Cannabidiol processor or cannabidiol**
- 6029 **laboratory -- General operating requirements.**
- 6030 Section **4-43-402** (Effective 07/01/19), **Cannabidiol processor or cannabidiol**
- 6031 **laboratory -- Inspection by department.**
- 6032 Section **4-43-501** (Effective 07/01/19), **Cannabidiol processor -- Operating**
- 6033 **requirements.**
- 6034 Section **4-43-502** (Effective 07/01/19), **Cannabidiol product.**
- 6035 Section **4-43-503** (Effective 07/01/19), **Cannabidiol medicine -- Labeling and**
- 6036 **packaging.**
- 6037 Section **4-43-601** (Effective 07/01/19), **Hemp and cannabidiol product testing.**
- 6038 Section **4-43-602** (Effective 07/01/19), **Reporting -- Inspections.**
- 6039 Section **4-43-701** (Effective 07/01/19), **Enforcement -- Fine -- Citation.**

- 6040 Section [4-43-702](#) (Effective 07/01/19), Report to the Legislature.
- 6041 Section [4-43-703](#) (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product
- 6042 **Restricted Account.**
- 6043 Section [4-43-801](#) (Effective 07/01/19), Cannabinoid Product Restricted Account --
- 6044 **Creation.**
- 6045 Section [26-60b-104](#), Preemption.
- 6046 Section [58-67-808](#) (Effective 07/01/19), Recommendation of cannabidiol products.
- 6047 Section [58-68-808](#) (Effective 07/01/19), Recommendation of cannabidiol products.
- 6048 Section [58-85-103.5](#), Right to request a recommendation for a cannabis-based
- 6049 **treatment.**
- 6050 Section [58-88-101](#) (Effective 07/01/19), Title.
- 6051 Section [58-88-102](#) (Effective 07/01/19), Definitions.
- 6052 Section [58-88-103](#) (Effective 07/01/19), Cannabidiol-qualified pharmacy
- 6053 **requirements.**
- 6054 Section [58-88-104](#) (Effective 07/01/19), Division to make rules -- Study.
- 6055 Section [59-12-104.7](#) (Repealed 01/01/19), Reporting by purchaser of certain sales
- 6056 **and use tax exempt purchases.**
- 6057 Section [59-12-104.9](#) (Effective 07/01/19), Exemption from sales tax for cannabinoid
- 6058 **products.**
- 6059 Section [59-29-101](#) (Effective 07/01/19), Title.
- 6060 Section [59-29-102](#) (Effective 07/01/19), Definitions.
- 6061 Section [59-29-103](#) (Effective 07/01/19), Imposition of tax -- Rate -- Administration.
- 6062 Section [59-29-104](#) (Effective 07/01/19), Collection of tax.
- 6063 Section [59-29-105](#) (Effective 07/01/19), Deposit of tax revenue.
- 6064 Section [59-29-106](#) (Effective 07/01/19), Records.
- 6065 Section [59-29-107](#) (Effective 07/01/19), Rulemaking authority.
- 6066 Section [59-29-108](#) (Effective 07/01/19), Penalties and interest.
- 6067 Section 138. **Effective date.**
- 6068 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
- 6069 elected to each house, this bill takes effect upon approval by the governor, or the day following
- 6070 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's

6071 signature, or in the case of a veto, the date of veto override.

6072 (2) The amendments to Sections [26-65-102](#) (Effective (07/01/19)), [26-65-103](#) (Effective
6073 [07/01/19\)](#), [41-6a-517](#) (Effective 07/01/19), [58-37-3.6](#) (Effective 07/01/19), and [78A-6-508](#)
6074 [\(Effective 07/01/19\)](#) in this bill take effect on July 1, 2019.

6075 Section 139. **Revisor instructions.**

6076 The Legislature intends that the Office of Legislative Research and General Counsel, in
6077 preparing the Utah Code database for publication:

6078 (1) in Sections [4-41a-106](#) and [26-61a-114](#) replace the language from "this bill" with
6079 the bill's designated chapter number in the Laws of Utah; and

6080 (2) in Sections [4-41a-201](#), [4-41a-301](#), [4-41a-401](#), [26-61a-202](#), [26-61a-301](#), [26-61a-401](#),
6081 [26-61a-602](#), and [26-61a-606](#), replace the language from "the effective date of this bill" to the
6082 bill's actual effective date.