

6th Sub. H.B. 3001
UTAH MEDICAL CANNABIS ACT

Representative **Norman K. Thurston** proposes the following amendments:

1. *Page 4, Lines 96 through 97:*

96 ~~{ 58-70a-303, as last amended by Laws of Utah 2001, Chapter 268 }~~
97 ~~{ 58-70a-503, as last amended by Laws of Utah 2017, Chapter 309 }~~

2. *Page 27, Lines 822 through 826:*

822 (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
823 Practice Act; **or**
824 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
825 58, Chapter 68, Utah Osteopathic Medical Practice Act { ~~or~~ }
826 ~~{ (d) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act. }~~

3. *Page 64, Lines 1950 through 1954:*

1950 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1951 Practice Act; **or**
1952 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1953 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; { ~~or~~ }
1954 ~~{ (D) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act. }~~

4. *Page 71, Lines 2185 through 2192:*

2185 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2186 Practice Act; **or**
2187 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2188 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; { ~~or~~ } **and**
2189 ~~{ (C) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act,~~
2190 ~~whose declaration of services agreement, as that term is defined in Section 58-70a-102,~~
2191 ~~includes the recommending of medical cannabis, and whose supervising physician is a~~
2192 ~~qualified medical provider; and }~~

5. *Page 72, Lines 2218 through 2224:*

2218 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical



2219 Practice Act, the Physicians Licensing Board; and
2220 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
2221 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board {
2222 and} .
2223 {(D) for a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant
2224 Act, the Physician Assistant Licensing Board.}

6. Page 76, Lines 2321 through 2329:

2321 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
2322 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act {+} or {+} , Title
2323 58, Chapter 68, Utah Osteopathic Medical Practice Act {, or Title 58, Chapter 70a, Physician
2324 Assistant Act} .
2325 (2) The limitations of liability described in Subsection (1) apply to:
2326 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2327 Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2328 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act {, or a physician assistant licensed
2329 under Title 58, Chapter 70a, Physician Assistant Act} :

7. Page 102, Lines 3133 through 3137:

3133 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3134 Practice Act; or
3135 (b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
3136 58, Chapter 68, Utah Osteopathic Medical Practice Act {; or} .
3137 {(c) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.}

8. Page 173, Lines 5335 through 5340:

5335 (B) had a pre-existing provider-patient relationship with an advanced practice
5336 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed
5337 under Title 58, Chapter 67, Utah Medical Practice Act, or a physician licensed under Title 58,
5338 Chapter 68, Utah Osteopathic Medical Practice Act {, or a physician assistant licensed under
5339 Title 58, Chapter 70a, Physician Assistant Act.} who believed that the individual's illness
5340 described in Subsection (2)(a)(i)(A) could benefit from the use in question; or

9. Page 183, Line 5666 through Page 185, Line 5706:

5666 {~~Section 126. Section 58-70a-303 is amended to read:~~
5667 ~~58-70a-303. Term of license -- Expiration -- Renewal:~~
5668 ~~(1) (a) The division shall issue each license under this chapter in accordance with a~~



5669 two-year renewal cycle established by division rule.
5670 ——— (b) The division may by rule extend or shorten a renewal period by as much as one year
5671 to stagger the renewal cycles it administers.
5672 ——— (2) At the time of renewal, the licensee shall show compliance with continuing
5673 education renewal requirements.
5674 ——— (3) Each license issued under this chapter expires on the expiration date shown on the
5675 license unless renewed in accordance with Section 58-1-308.
5676 ——— (4) The division shall accept and apply toward an hour requirement that the division
5677 establishes under Subsection (2) continuing education that a physician assistant completes in
5678 accordance with Section 26-61a-106.
5679 ——— Section 127. Section 58-70a-503 is amended to read:
5680 ——— 58-70a-503. Unprofessional conduct:
5681 ——— (1) "Unprofessional conduct" includes:
5682 ——— [(1)] (a) violation of a patient confidence to any person who does not have a legal right
5683 and a professional need to know the information concerning the patient;
5684 ——— [(2)] (b) knowingly prescribing, selling, giving away, or directly or indirectly
5685 administering, or offering to prescribe, sell, furnish, give away, or administer any prescription
5686 drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that
5687 drug in the amounts prescribed or provided;
5688 ——— [(3)] (c) prescribing prescription drugs for oneself or administering prescription drugs
5689 to oneself, except those that have been legally prescribed for the physician assistant by a
5690 licensed practitioner and that are used in accordance with the prescription order for the
5691 condition diagnosed;
5692 ——— [(4)] (d) failure to maintain at the practice site a delegation of services agreement that
5693 accurately reflects current practices;
5694 ——— [(5)] (e) failure to make the delegation of services agreement available to the division
5695 for review upon request;
5696 ——— [(6)] (f) in a practice that has physician assistant ownership interests, failure to allow
5697 the supervising physician the independent final decision-making authority on patient treatment
5698 decisions, as set forth in the delegation of services agreement or as defined by rule; and
5699 ——— [(7)] (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing
5700 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable.
5701 ——— (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
5702 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
5703 is defined in Section 26-61a-102, recommending the use of medical cannabis.
5704 ——— (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
5705 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5706 unprofessional conduct for a physician assistant described in Subsection (2).}

