

1 **UTAH MEDICAL CANNABIS ACT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jennifer Dailey-Provost**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions regarding the Utah Medical Cannabis Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ removes a requirement that unprocessed cannabis flower be in a blister pack;
- 13 ▶ increases limit on the number of patients for whom a qualified medical provider
- 14 may recommend cannabis;

- 15 ▶ removes a distinction between qualified medical providers and specialists regarding
- 16 the limit on the number of patients for whom a qualified medical provider may
- 17 recommend cannabis;

- 18 ▶ regarding the qualifications for a medical cannabis patient card:

- 19 • reduces the age requirement; and
- 20 • removes a requirement that certain adults receive approval of the compassionate
- 21 use board;

- 22 ▶ repeals elements required for protection from criminal conviction for the use or
- 23 possession of medical cannabis;

- 24 ▶ clarifies quantity limits for possession during the decriminalization period; and

- 25 ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **4-41a-602**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
33 Chapter 1

34 **26-61a-102**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
35 Chapter 1

36 **26-61a-106**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
37 Chapter 1

38 **26-61a-201**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
39 Chapter 1

40 **26-61a-502**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
41 Chapter 1

42 **26-61a-604**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

43 **58-37-3.7**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1



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

46 Section 1. Section **4-41a-602** is amended to read:

47 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

48 (1) For any cannabis product that a cannabis processing facility processes or produces,
49 the facility shall:

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

51 (i) clearly and unambiguously states that the cannabis product contains cannabis;

52 (ii) clearly displays the amount of total composite tetrahydrocannabinol and
53 cannabidiol in the labeled container;

54 (iii) has a unique identification number that:

55 (A) is connected to the inventory control system; and

56 (B) identifies the unique cannabis product manufacturing process the cannabis
57 processing facility used to manufacture the cannabis product;

58 (iv) identifies the cannabinoid extraction process that the cannabis processing facility

59 used to create the cannabis product;

60 (v) does not display an image, word, or phrase that the facility knows or should know
61 appeals to children; and

62 (vi) discloses each active or potentially active ingredient, in order of prominence, and
63 possible allergen; and

64 (b) package the cannabis product in a medicinal dosage form in a container that:

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

66 (ii) does not appeal to children;

67 (iii) does not mimic a candy container;

68 (iv) ~~[except for a blister pack,]~~ is opaque;

69 (v) complies with child-resistant effectiveness standards that the United States

70 Consumer Product Safety Commission establishes; and

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

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

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

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

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

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

85 (b) ensures inclusion of a pharmacy label.

86 Section 2. Section **26-61a-102** is amended to read:

87 **26-61a-102. Definitions.**

88 As used in this chapter:

89 ~~[(1) "Blister" means a plastic cavity or pocket used to contain no more than a single~~

90 dose of cannabis or a cannabis product in a blister pack.]

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

93 [~~(3)~~] (1) "Cannabis" means marijuana.

94 [~~(4)~~] (2) "Cannabis cultivation facility" means the same as that term is defined in
95 Section [4-41a-102](#).

96 [~~(5)~~] (3) "Cannabis processing facility" means the same as that term is defined in
97 Section [4-41a-102](#).

98 [~~(6)~~] (4) "Cannabis product" means a product that:

99 (a) is intended for human use; and

100 (b) contains cannabis or tetrahydrocannabinol.

101 [~~(7)~~] (5) "Cannabis production establishment agent" means the same as that term is
102 defined in Section [4-41a-102](#).

103 [~~(8)~~] (6) "Cannabis production establishment agent registration card" means the same
104 as that term is defined in Section [4-41a-102](#).

105 [~~(9)~~] (7) "Community location" means a public or private school, a church, a public
106 library, a public playground, or a public park.

107 [~~(10)~~] (8) "Department" means the Department of Health.

108 [~~(11)~~] (9) "Designated caregiver" means an individual:

109 (a) whom an individual with a medical cannabis patient card or a medical cannabis
110 guardian card designates as the patient's caregiver; and

111 (b) who registers with the department under Section [26-61a-202](#).

112 [~~(12)~~] (10) "Dosing parameters" means quantity, routes, and frequency of
113 administration for a recommended treatment of cannabis in a medicinal dosage form or a
114 cannabis product in a medicinal dosage form.

115 [~~(13)~~] (11) "Independent cannabis testing laboratory" means the same as that term is
116 defined in Section [4-41a-102](#).

117 [~~(14)~~] (12) "Inventory control system" means the system described in Section
118 [4-41a-103](#).

119 [~~(15)~~] (13) "Local health department" means the same as that term is defined in Section
120 [26A-1-102](#).

121 ~~[(16)]~~ (14) "Local health department distribution agent" means an agent designated and
122 registered to distribute state central fill shipments under Sections [26-61a-606](#) and [26-61a-607](#).

123 ~~[(17)]~~ (15) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

124 ~~[(18)]~~ (16) "Medical cannabis" means cannabis in a medicinal dosage form or a
125 cannabis product in a medicinal dosage form.

126 ~~[(19)]~~ (17) "Medical cannabis card" means a medical cannabis patient card, a medical
127 cannabis guardian card, or a medical cannabis caregiver card.

128 ~~[(20)]~~ (18) "Medical cannabis cardholder" means a holder of a medical cannabis card.

129 ~~[(21)]~~ (19) "Medical cannabis caregiver card" means an official card that:

130 (a) the department issues to an individual whom a medical cannabis patient cardholder
131 or a medical cannabis guardian cardholder designates as a designated caregiver; and

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

133 ~~[(22)]~~ (20) (a) "Medical cannabis device" means a device that an individual uses to
134 ingest cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

135 (b) "Medical cannabis device" does not include a device that:

136 (i) facilitates cannabis combustion; or

137 (ii) an individual uses to ingest substances other than cannabis.

138 ~~[(23)]~~ (21) "Medical cannabis guardian card" means an official card that:

139 (a) the department issues to the parent or legal guardian of a minor with a qualifying
140 condition; and

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

142 ~~[(24)]~~ (22) "Medical cannabis patient card" means an official card that:

143 (a) the department issues to an individual with a qualifying condition; and

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

145 ~~[(25)]~~ (23) "Medical cannabis pharmacy" means a person that:

146 (a) (i) acquires or intends to acquire:

147 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
148 form from a cannabis processing facility; or

149 (B) a medical cannabis device; or

150 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
151 dosage form, or a medical cannabis device; and

152 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a
153 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

154 ~~[(26)]~~ (24) "Medical cannabis pharmacy agent" means an individual who:

155 (a) is an employee of a medical cannabis pharmacy; and

156 (b) who holds a valid medical cannabis pharmacy agent registration card.

157 ~~[(27)]~~ (25) "Medical cannabis pharmacy agent registration card" means a registration
158 card issued by the department that authorizes an individual to act as a medical cannabis
159 pharmacy agent.

160 ~~[(28)]~~ (26) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
161 cannabis product in a medicinal dosage form, or a medical cannabis device.

162 ~~[(29)]~~ (27) (a) "Medicinal dosage form" means:

163 (i) for processed medical cannabis or a medical cannabis product, the following in
164 single dosage form with a specific and consistent cannabinoid content:

165 (A) a tablet;

166 (B) a capsule;

167 (C) a concentrated oil;

168 (D) a liquid suspension;

169 (E) a topical preparation;

170 (F) a transdermal preparation;

171 (G) a sublingual preparation;

172 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
173 rectangular cuboid shape; ~~[or]~~

174 (I) unprocessed cannabis flower; or

175 ~~[(F)]~~ (J) for use only after the individual's qualifying condition has failed to
176 substantially respond to at least two other forms described in this Subsection ~~[(29)(a)(i)]~~

177 (27)(a)(i), a resin or wax; and

178 ~~[(ii) for unprocessed cannabis flower, a blister pack, with each individual blister:]~~

179 ~~[(A) containing a specific and consistent weight that does not exceed one gram and that~~
180 ~~varies by no more than 10% from the stated weight; and]~~

181 ~~[(B) labeled with a barcode that provides information connected to an inventory control~~
182 ~~system and the individual blister's content and weight; and]~~

183 ~~[(iii)]~~ (ii) a form measured in grams, milligrams, or milliliters.

184 ~~[(b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:]~~

185 ~~[(i) the medical cannabis cardholder has recently removed from the blister pack~~

186 ~~described in Subsection (29)(a)(ii) for use; and]~~

187 ~~[(ii) does not exceed the quantity described in Subsection (29)(a)(ii).]~~

188 ~~[(c)]~~ (b) "Medicinal dosage form" does not include~~[(i) any unprocessed cannabis~~

189 ~~flower outside of the blister pack, except as provided in Subsection (29)(b); or(ii)]~~ a process of

190 vaporizing and inhaling concentrated cannabis by placing the cannabis on a nail or other metal

191 object that is heated by a flame, including a blowtorch.

192 ~~[(30)]~~ (28) "Pharmacy medical provider" means the medical provider required to be on

193 site at a medical cannabis pharmacy under Section [26-61a-403](#).

194 ~~[(31)]~~ (29) "Provisional patient card" means a card that:

195 (a) the department issues to a minor with a qualifying condition for whom:

196 (i) a qualified medical provider has recommended a medical cannabis treatment; and

197 (ii) the department issues a medical cannabis guardian card to the minor's parent or

198 legal guardian; and

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

200 ~~[(32)]~~ (30) "Qualified medical provider" means an individual who is qualified to

201 recommend treatment with cannabis in a medicinal dosage form under Section [26-61a-106](#).

202 ~~[(33)]~~ (31) "Qualified Distribution Enterprise Fund" means the enterprise fund created

203 in Section [26-61a-110](#).

204 ~~[(34)]~~ (32) "Qualified Patient Enterprise Fund" means the enterprise fund created in

205 Section [26-61a-109](#).

206 ~~[(35)]~~ (33) "Qualifying condition" means a condition described in Section [26-61a-104](#).

207 ~~[(36)]~~ (34) "State central fill agent" means an employee of the state central fill medical

208 cannabis pharmacy that the department registers in accordance with Section [26-61a-602](#).

209 ~~[(37)]~~ (35) "State central fill medical cannabis pharmacy" means the central fill

210 pharmacy that the department creates in accordance with Section [26-61a-601](#).

211 ~~[(38)]~~ (36) "State central fill medical provider" means a physician or pharmacist that

212 the state central fill medical cannabis pharmacy employs to consult with medical cannabis

213 cardholders in accordance with Section [26-61a-601](#).

214 [~~(39)~~] (37) "State central fill shipment" means a shipment of cannabis in a medicinal
215 dosage form, cannabis product in a medicinal dosage form, or a medical cannabis device that
216 the state central fill medical cannabis pharmacy prepares and ships for distribution to a medical
217 cannabis cardholder in a local health department.

218 [~~(40)~~] (38) "State electronic verification system" means the system described in Section
219 [26-61a-103](#).

220 Section 3. Section **26-61a-106** is amended to read:

221 **26-61a-106. Qualified medical provider registration -- Continuing education --**
222 **Treatment recommendation.**

223 (1) An individual may not recommend a medical cannabis treatment unless the
224 department registers the individual as a qualified medical provider in accordance with this
225 section.

226 (2) (a) The department shall, within 15 days after the day on which the department
227 receives an application from an individual, register and issue a qualified medical provider
228 registration card to the individual if the individual:

229 (i) provides to the department the individual's name and address;

230 (ii) provides to the department a report detailing the individual's completion of the
231 applicable continuing education requirement described in Subsection (3);

232 (iii) provides to the department evidence that the individual:

233 (A) has the authority to write a prescription;

234 (B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
235 Controlled Substances Act; and

236 (C) possesses the authority, in accordance with the individual's scope of practice, to
237 prescribe a Schedule II controlled substance;

238 (iv) provides to the department evidence that the individual is:

239 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
240 Practice Act;

241 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
242 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

243 (C) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act,
244 whose declaration of services agreement, as that term is defined in Section [58-70a-102](#),

245 includes the recommending of medical cannabis, and whose supervising physician is a
246 qualified medical provider; and

247 (v) pays the department a fee in an amount that:

248 (A) the department sets, in accordance with Section 63J-1-504; and

249 (B) does not exceed \$300 for an initial registration.

250 (b) The department may not register an individual as a qualified medical provider if the
251 individual is:

252 (i) a pharmacy medical provider or a state central fill medical provider; or

253 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
254 production establishment or a medical cannabis pharmacy.

255 (3) (a) An individual shall complete the continuing education described in this
256 Subsection (3) in the following amounts:

257 (i) for an individual as a condition precedent to registration, four hours; and

258 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
259 every two years.

260 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

261 (i) complete continuing education:

262 (A) regarding the topics described in Subsection (3)(d); and

263 (B) offered by the department under Subsection (3)(c) or an accredited or approved
264 continuing education provider that the department recognizes as offering continuing education
265 appropriate for the recommendation of cannabis to patients; and

266 (ii) make a continuing education report to the department in accordance with a process
267 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
268 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
269 Professional Licensing and:

270 (A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
271 Nurse Practice Act, the Board of Nursing;

272 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
273 Practice Act, the Physicians Licensing Board;

274 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
275 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;

276 and

277 (D) for a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant
278 Act, the Physician Assistant Licensing Board.

279 (c) The department may, in consultation with the Division of Occupational and
280 Professional Licensing, develop the continuing education described in this Subsection (3).

281 (d) The continuing education described in this Subsection (3) may discuss:

282 (i) the provisions of this chapter;

283 (ii) general information about medical cannabis under federal and state law;

284 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
285 including risks and benefits;

286 (iv) recommendations for medical cannabis as it relates to the continuing care of a
287 patient in pain management, risk management, potential addiction, or palliative care; and

288 (v) best practices for recommending the form and dosage of medical cannabis products
289 based on the qualifying condition underlying a medical cannabis recommendation.

290 (4) (a) Except as provided in Subsection (4)(b) [~~or (c)~~], a qualified medical provider
291 may not recommend a medical cannabis treatment to more than [~~175~~] 500 of the qualified
292 medical provider's patients at the same time, as determined by the number of medical cannabis
293 cards under the qualified medical provider's name in the state electronic verification system.

294 [~~(b) Except as provided in Subsection (4)(c), a qualified medical provider may
295 recommend a medical cannabis treatment to up to 300 of the qualified medical provider's
296 patients at any given time, as determined by the number of medical cannabis cards under the
297 qualified medical provider's name in the state electronic verification system, if:]~~

298 [~~(i) the appropriate American medical board has certified the qualified medical
299 provider in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain,
300 hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, or
301 psychiatry; or]~~

302 [~~(ii) a licensed business employs or contracts the qualified medical provider for the
303 specific purpose of providing hospice and palliative care.]~~

304 [~~(c)~~] (b) (i) Notwithstanding Subsection (4)~~(b)~~(a), a qualified medical provider
305 [~~described in Subsection (4)(b)~~] may petition the Division of Occupational and Professional
306 Licensing for authorization to exceed the limit described in Subsection (4)~~(b)~~(a) by

307 graduating increments of 100 patients per authorization, not to exceed three authorizations.

308 (ii) The Division of Occupational and Professional Licensing shall grant the
309 authorization described in Subsection [~~(4)(c)(i)~~] (4)(b)(i) if:

310 (A) the petitioning qualified medical provider pays a \$100 fee;

311 (B) the division performs a review that includes the qualified medical provider's
312 medical cannabis recommendation activity in the state electronic verification system, relevant
313 information related to patient demand, and any patient medical records that the division
314 determines would assist in the division's review; and

315 (C) after the review described in this Subsection [~~(4)(c)(ii)~~] (4)(b)(ii), the division
316 determines that granting the authorization would not adversely affect public safety, adversely
317 concentrate the overall patient population among too few qualified medical providers, or
318 adversely concentrate the use of medical cannabis among the provider's patients.

319 (5) A qualified medical provider may recommend medical cannabis to an individual
320 under this chapter only in the course of a qualified medical provider-patient relationship after
321 the qualifying medical provider has completed and documented in the patient's medical record
322 a thorough assessment of the patient's condition and medical history based on the appropriate
323 standard of care for the patient's condition.

324 (6) (a) Except as provided in Subsection (6)(b), a qualified medical provider may not
325 advertise that the qualified medical provider recommends medical cannabis treatment.

326 (b) For purposes of Subsection (6)(a), the communication of the following, through a
327 website does not constitute advertising:

328 (i) a green cross;

329 (ii) a qualifying condition that the qualified medical provider treats; or

330 (iii) a scientific study regarding medical cannabis use.

331 (7) (a) A qualified medical provider registration card expires two years after the day on
332 which the department issues the card.

333 (b) The department shall renew a qualified medical provider's registration card if the
334 provider:

335 (i) applies for renewal;

336 (ii) is eligible for a qualified medical provider registration card under this section,
337 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

- 338 (iii) certifies to the department in a renewal application that the information in
- 339 Subsection (2)(a) is accurate or updates the information;
- 340 (iv) submits a report detailing the completion of the continuing education requirement
- 341 described in Subsection (3); and
- 342 (v) pays the department a fee in an amount that:
- 343 (A) the department sets, in accordance with Section 63J-1-504; and
- 344 (B) does not exceed \$50 for a registration renewal.
- 345 (8) The department may revoke the registration of a qualified medical provider who
- 346 fails to maintain compliance with the requirements of this section.
- 347 (9) A qualified medical provider may not receive any compensation or benefit for the
- 348 qualified medical provider's medical cannabis treatment recommendation from:
- 349 (a) a cannabis production establishment or an owner, officer, director, board member,
- 350 employee, or agent of a cannabis production establishment;
- 351 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
- 352 employee, or agent of a medical cannabis pharmacy; or
- 353 (c) a qualified medical provider or pharmacy medical provider.

354 Section 4. Section 26-61a-201 is amended to read:

355 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card**
356 **application -- Fees -- Studies.**

- 357 (1) On or before March 1, 2020, the department shall, within 15 days after the day on
- 358 which an individual who satisfies the eligibility criteria in this section or Section 26-61a-202
- 359 submits an application in accordance with this section or Section 26-61a-202:
- 360 (a) issue a medical cannabis patient card to an individual described in Subsection
- 361 (2)(a);
- 362 (b) issue a medical cannabis guardian card to an individual described in Subsection
- 363 (2)(b);
- 364 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and
- 365 (d) issue a medical cannabis caregiver card to an individual described in Subsection
- 366 26-61a-202(4).
- 367 (2) (a) An individual is eligible for a medical cannabis patient card if:
- 368 (i) [~~(A)~~] the individual is at least [~~21~~] 18 years old; [~~or~~]

369 ~~[(B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate~~
370 ~~use board under Section 26-61a-105, and the compassionate use board recommends department~~
371 ~~approval of the petition;]~~

372 (ii) the individual is a Utah resident;

373 (iii) the individual's qualified medical provider recommends treatment with medical
374 cannabis in accordance with Subsection (4);

375 (iv) the individual signs an acknowledgment stating that the individual received the
376 information described in Subsection (8); and

377 (v) the individual pays to the department a fee in an amount that, subject to Subsection
378 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

379 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

380 (A) is at least 18 years old;

381 (B) is a Utah resident;

382 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
383 provider recommends a medical cannabis treatment, the individual petitions the compassionate
384 use board under Section 26-61a-105, and the compassionate use board recommends department
385 approval of the petition;

386 (D) the individual signs an acknowledgment stating that the individual received the
387 information described in Subsection (8);

388 (E) pays to the department a fee in an amount that, subject to Subsection
389 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
390 criminal background check described in Section 26-61a-203; and

391 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
392 offense under either state or federal law, unless the individual completed any imposed sentence
393 six months or more before the day on which the individual applies for a medical cannabis
394 guardian card.

395 (ii) The department shall notify the Department of Public Safety of each individual that
396 the department registers for a medical cannabis guardian card.

397 (c) (i) A minor is eligible for a provisional patient card if:

398 (A) the minor has a qualifying condition;

399 (B) the minor's qualified medical provider recommends a medical cannabis treatment

400 to address the minor's qualifying condition;

401 (C) the minor's parent or legal guardian petitions the compassionate use board under
402 Section 26-61a-105, and the compassionate use board recommends department approval of the
403 petition; and

404 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
405 under Subsection (2)(b).

406 (ii) The department shall automatically issue a provisional patient card to the minor
407 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
408 guardian card to the minor's parent or legal guardian.

409 (3) (a) An individual who is eligible for a medical cannabis card described in
410 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
411 department:

412 (i) through an electronic application connected to the state electronic verification
413 system;

414 (ii) with the recommending qualified medical provider while in the recommending
415 qualified medical provider's office; and

416 (iii) with information including:

417 (A) the applicant's name, gender, age, and address;

418 (B) the number of the applicant's valid form of identification that is a valid United
419 States federal- or state-issued photo identification, including a driver license, a United States
420 passport, a United States passport card, or a United States military identification card;

421 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
422 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
423 and

424 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
425 holds the associated medical cannabis guardian card.

426 (b) The department shall ensure that a medical cannabis card the department issues
427 under this section contains the information described in Subsection (3)(a)(iii).

428 (c) (i) If a qualified medical provider determines that, because of age, illness, or
429 disability, a medical cannabis patient cardholder requires assistance in administering the
430 medical cannabis treatment that the qualified medical provider recommends, the qualified

431 medical provider may indicate the cardholder's need in the state electronic verification system.

432 (ii) If a qualified medical provider makes the indication described in Subsection

433 (3)(c)(i):

434 (A) the department shall add a label to the relevant medical cannabis patient card

435 indicating the cardholder's need for assistance; and

436 (B) any adult who is 21 years old or older and who is physically present with the

437 cardholder at the time the cardholder needs to use the recommended medical cannabis

438 treatment may handle the medical cannabis treatment and any associated medical cannabis

439 device as needed to assist the cardholder in administering the recommended medical cannabis

440 treatment, including in the event of an emergency medical condition under Subsection

441 [26-61a-204\(2\)](#).

442 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:

443 (A) ingest or inhale medical cannabis;

444 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside

445 of the immediate area where the cardholder is present or with an intent other than to provide

446 assistance to the cardholder; or

447 (C) possess, transport, or handle medical cannabis or a medical cannabis device when

448 the cardholder is not in the process of being dosed with medical cannabis.

449 (4) To recommend a medical cannabis treatment to a patient or to renew a

450 recommendation, a qualified medical provider shall:

451 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
452 a medicinal dosage form:

453 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal

454 guardian's valid form of identification described in Subsection (3)(a);

455 (ii) review any record related to the patient and, for a minor patient, the patient's parent

456 or legal guardian in:

457 (A) the state electronic verification system; and

458 (B) the controlled substance database created in Section [58-37f-201](#); and

459 (iii) consider the recommendation in light of the patient's qualifying condition and

460 history of medical cannabis and controlled substance use; and

461 (b) state in the qualified medical provider's recommendation that the patient:

462 (i) suffers from a qualifying condition, including the type of qualifying condition; and
463 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
464 product in a medicinal dosage form.

465 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the
466 department issues under this section is valid for the lesser of:

467 (i) an amount of time that the qualified medical provider determines; or

468 (ii) (A) for the first issuance, 30 days; or

469 (B) for a renewal, six months.

470 (b) (i) A medical cannabis card that the department issues in relation to a terminal
471 illness described in Section 26-61a-104 does not expire.

472 (ii) The recommending qualified medical provider may revoke a recommendation that
473 the provider made in relation to a terminal illness described in Section 26-61a-104 if the
474 medical cannabis cardholder no longer has the terminal illness.

475 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
476 renewable if:

477 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
478 (b); or

479 (ii) the cardholder received the medical cannabis card through the recommendation of
480 the compassionate use board under Section 26-61a-105.

481 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

482 (i) using the application process described in Subsection (3); or

483 (ii) through phone or video conference with the qualified medical provider who made
484 the recommendation underlying the card, at the qualifying medical provider's discretion.

485 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
486 pay to the department a renewal fee in an amount that:

487 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
488 63J-1-504; and

489 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
490 comparison to the original application process.

491 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
492 patient card renews automatically at the time the minor's parent or legal guardian renews the

493 parent or legal guardian's associated medical cannabis guardian card.

494 (e) The department may revoke a medical cannabis guardian card if the cardholder
495 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
496 under either state or federal law.

497 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
498 cannabis card with the patient's name.

499 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
500 purchase, in accordance with this chapter and the recommendation underlying the card,
501 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
502 medical cannabis device.

503 (ii) A cardholder under this section may possess or transport, in accordance with this
504 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
505 cannabis product in a medicinal dosage form, or a medical cannabis device.

506 (iii) To address the qualifying condition underlying the medical cannabis treatment
507 recommendation:

508 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
509 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
510 or a medical cannabis device; and

511 (B) a medical cannabis guardian cardholder may assist the associated provisional
512 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
513 product in a medicinal dosage form, or a medical cannabis device.

514 (c) If neither a licensed medical cannabis pharmacy nor the state central fill medical
515 cannabis pharmacy is operating within the state after January 1, 2021, a cardholder under this
516 section is not subject to prosecution for the possession of:

517 (i) no more than 113 grams of marijuana in a medicinal dosage form;

518 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
519 than 20 grams of tetrahydrocannabinol; or

520 (iii) marijuana drug paraphernalia.

521 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
522 Utah Administrative Rulemaking Act, a process to provide information regarding the following
523 to an individual receiving a medical cannabis card:

524 (a) risks associated with medical cannabis treatment;
525 (b) the fact that a condition's listing as a qualifying condition does not suggest that
526 medical cannabis treatment is an effective treatment or cure for that condition, as described in
527 Subsection 26-61a-104(1); and

528 (c) other relevant warnings and safety information that the department determines.

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

532 (10) (a) A person may submit, to the department a request to conduct a medical
533 research study using medical cannabis cardholder data that the state electronic verification
534 system contains.

535 (b) The department shall review a request described in Subsection (10)(a) to determine
536 whether the medical research study is valid.

537 (c) If the department makes a determination under Subsection (10)(b) that the medical
538 research study is valid, the department shall notify each relevant cardholder asking for the
539 cardholder's consent to participate in the study.

540 (d) The department may release, for the purposes of a study described in this
541 Subsection (10), information about a cardholder under this section who consents to participate
542 under Subsection (10)(c).

543 (e) The department may establish standards for a medical research study's validity, by
544 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

545 Section 5. Section 26-61a-502 is amended to read:

546 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
547 **Reporting -- Form of cannabis or cannabis product.**

548 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
549 chapter:

550 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
551 from a cannabis processing facility that is licensed under Section 4-41a-201;

552 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
553 acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

554 (iii) a medical cannabis device; or

555 (iv) educational material related to the medical use of cannabis.

556 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
557 an individual with:

558 (i) a medical cannabis card; and

559 (ii) corresponding identification that is a valid United States federal- or state-issued
560 photo identification, including a driver license, a United States passport, a United States
561 passport card, or a United States military identification card.

562 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
563 cannabis-based drug that the United States Food and Drug Administration has approved.

564 (2) A medical cannabis pharmacy may not dispense:

565 (a) to a medical cannabis cardholder in any one 12-day period, more than the lesser of:

566 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters
567 that the relevant qualified medical provider recommends; or

568 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form
569 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol
570 in the cannabis; or

571 (B) an amount of cannabis products that is in a medicinal dosage form and that
572 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

573 (b) to a medical cannabis cardholder whose primary residence is located more than 100
574 miles from the nearest medical cannabis pharmacy or local health department, in any one
575 28-day period, more than the lesser of:

576 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
577 that the relevant qualified medical provider recommends; or

578 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
579 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
580 cannabidiol in the cannabis; or

581 (B) an amount of cannabis products that is in a medicinal dosage form and that
582 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

583 (c) to an individual whose qualified medical provider did not recommend dosing
584 parameters, until the individual consults with the pharmacy medical provider in accordance
585 with Subsection (4), any cannabis or cannabis products.

586 (3) An individual with a medical cannabis card may not purchase:
587 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
588 in any one 12-day period; or
589 (b) if the relevant qualified medical provider did not recommend dosing parameters,
590 until the individual consults with the pharmacy medical provider in accordance with
591 Subsection (4), any cannabis or cannabis products.

592 (4) If a qualified medical provider recommends treatment with medical cannabis or a
593 cannabis product but does not provide dosing parameters:
594 (a) the qualified medical provider shall document in the recommendation:
595 (i) an evaluation of the qualifying condition underlying the recommendation;
596 (ii) prior treatment attempts with cannabis and cannabis products; and
597 (iii) the patient's current medication list; and
598 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal
599 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider
600 shall:
601 (i) review pertinent medical records, including the qualified medical provider
602 documentation described in Subsection (4)(a); and
603 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with
604 the recommending qualified medical provider as needed, determine the best course of treatment
605 through consultation with the cardholder regarding:
606 (A) the patient's qualifying condition underlying the recommendation from the
607 qualified medical provider;
608 (B) indications for available treatments;
609 (C) dosing parameters; and
610 (D) potential adverse reactions.

611 (5) A medial cannabis pharmacy shall:
612 (a) (i) access the state electronic verification system before dispensing cannabis or a
613 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
614 where applicable, the associated patient has met the maximum amount of cannabis or cannabis
615 products described in Subsection (2); and
616 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the

617 maximum amount described in Subsection (2):

618 (A) decline the sale; and

619 (B) notify the qualified medical provider who made the underlying recommendation;

620 (b) submit a record to the state electronic verification system each time the medical
621 cannabis pharmacy dispenses cannabis or a cannabis product to a medical cannabis cardholder;
622 and

623 [~~(c) package any cannabis or cannabis product that is in a blister pack in a container~~
624 ~~that.~~]

625 [~~(i) complies with Subsection [4-41a-602\(2\)](#);~~]

626 [~~(ii) is tamper-resistant and tamper-evident; and~~]

627 [~~(iii) opaque; and~~]

628 [~~(d)~~] (c) for a product that is a cube that is designed for ingestion through chewing or
629 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
630 of over-consumption.

631 (6) (a) Except as provided in Subsection (6)(b), a medical cannabis pharmacy may not
632 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
633 intentionally designed or constructed to resemble a cigarette.

634 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
635 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
636 individual's respiratory system.

637 (7) A medical cannabis pharmacy may not give, at no cost, a product that the medical
638 cannabis pharmacy is allowed to sell under Subsection (1).

639 (8) The department may impose a uniform fee on each medical cannabis cardholder
640 transaction in a medical cannabis pharmacy in an amount that, subject to Subsection
641 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

642 Section 6. Section **26-61a-604** is amended to read:

643 **26-61a-604. State central fill shipment preparation.**

644 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a
645 local health department a product other than:

646 (i) cannabis in medicinal dosage form that the state central fill medical cannabis
647 pharmacy acquired from a cannabis processing facility that is licensed under Section

648 4-41a-201;

649 (ii) a cannabis product in medicinal dosage form that the state central fill medical
650 cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section
651 4-41a-201;

652 (iii) a medical cannabis device; or

653 (iv) educational material related to the medical use of cannabis.

654 (b) The state central fill medical cannabis pharmacy may only sell or ship an item listed
655 in Subsection (1)(a) in response to a request for shipment described in Subsection
656 26-61a-603(1).

657 (c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy
658 may not sell a cannabis-based drug that the United States Food and Drug Administration has
659 approved.

660 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

661 (a) for a medical cannabis cardholder in any one 12-day period, more than the lesser of:

662 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters
663 that the relevant qualified medical provider recommends; or

664 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form
665 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol
666 in the cannabis; or

667 (B) an amount of cannabis products that is in a medicinal dosage form and that
668 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

669 (b) to a medical cannabis cardholder whose primary residence is located more than 100
670 miles from the nearest medical cannabis pharmacy or local health department, in any one
671 28-day period, more than the lesser of:

672 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
673 that the relevant qualified medical provider recommends; or

674 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
675 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
676 cannabidiol in the cannabis; or

677 (B) an amount of cannabis products that is in a medicinal dosage form and that
678 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

679 (c) for an individual whose qualified medical provider did not recommend dosing
680 parameters, any cannabis or cannabis product, until the individual consults with the state
681 central fill medical provider in accordance with Subsection (4).

682 (3) A medical cannabis cardholder may not receive a state central fill shipment
683 containing:

684 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
685 in any one 12-day period; or

686 (b) if the relevant qualified medical provider did not recommend dosing parameters,
687 any cannabis or cannabis product, until the cardholder consults with the state central fill
688 medical provider in accordance with Subsection (4).

689 (4) If a qualified medical provider recommends treatment with medical cannabis or a
690 cannabis product but does not provide dosing parameters:

691 (a) the qualified medical provider shall document in the recommendation:

692 (i) an evaluation of the qualifying condition underlying the recommendation;

693 (ii) prior treatment attempts with cannabis and cannabis products; and

694 (iii) the patient's current medication list; and

695 (b) before the relevant medical cannabis cardholder may receive a state central fill
696 shipment, the state central fill medical provider shall:

697 (i) review pertinent medical records, including the qualified medical provider
698 documentation described in Subsection (4)(a); and

699 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with
700 the recommending qualified medical provider as needed, determine the best course of treatment
701 through consultation with the cardholder regarding:

702 (A) the patient's qualifying condition underlying the recommendation from the
703 qualified medical provider;

704 (B) indications for available treatments;

705 (C) dosing parameters; and

706 (D) potential adverse reactions.

707 (5) The state central fill medical cannabis pharmacy shall:

708 (a) (i) access the state electronic verification system before preparing a shipment of
709 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where

710 applicable, the associated patient has met the maximum amount of cannabis or cannabis
711 product described in Subsection (2); and

712 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the
713 maximum amount described in Subsection (2):

714 (A) decline the request to prepare the shipment; and

715 (B) notify the qualified medical provider that made the recommendation;

716 (b) submit a record to the state electronic verification system each time the state central
717 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,
718 or a medical cannabis device; and

719 [~~(c) package any cannabis or cannabis product that is in a blister pack in a container~~
720 ~~that.~~]

721 [~~(i) complies with Subsection 4-41a-602(2);~~]

722 [~~(ii) is tamper-resistant and tamper-evident; and~~]

723 [~~(iii) is opaque; and~~]

724 [~~(d)~~] (c) for any product that is a cube that is designed for ingestion through chewing or
725 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
726 of over-consumption.

727 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis
728 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
729 that is intentionally designed or constructed to resemble a cigarette.

730 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis
731 device that warms cannabis material into a vapor without the use of a flame and that delivers
732 cannabis to an individual's respiratory system.

733 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product
734 that the medical cannabis pharmacy is allowed to sell under Subsection (1).

735 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's
736 records the following information regarding each recommendation underlying a transaction:

737 (i) the qualified medical provider's name, address, and telephone number;

738 (ii) the patient's name and address;

739 (iii) the date of issuance;

740 (iv) dosing parameters or an indication that the qualified medical provider did not

741 recommend specific dosing parameters; and

742 (v) the name and the address of the medical cannabis cardholder if the cardholder is not
743 the patient.

744 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a
745 cannabis product unless the cannabis or cannabis product has a label securely affixed to the
746 container indicating the following minimum information:

747 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

748 (ii) the unique identification number that the state central fill medical cannabis

749 pharmacy assigns;

750 (iii) the date of the sale;

751 (iv) the name of the medical cannabis cardholder;

752 (v) the name of the qualified medical provider who recommends the medical cannabis
753 treatment;

754 (vi) directions for use and cautionary statements, if any;

755 (vii) the amount dispensed and the cannabinoid content;

756 (viii) the beyond use date; and

757 (ix) any other requirements that the department determines, in consultation with the
758 Division of Occupational and Professional Licensing and the Board of Pharmacy.

759 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or
760 a state central fill agent shall:

761 (a) include in each state central fill shipment written counseling regarding the state
762 central fill shipment; and

763 (b) provide a telephone number or website by which a medical cannabis cardholder
764 may contact a pharmacy medical provider for counseling.

765 (10) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
766 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
767 by the state central fill medical cannabis pharmacy.

768 (11) The department may impose a uniform fee on each medical cannabis cardholder
769 transaction for a state central fill shipment in an amount that, subject to Subsection
770 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

771 Section 7. Section **58-37-3.7** is amended to read:

772 **58-37-3.7. Medical cannabis decriminalization.**

773 (1) As used in this section:

774 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

775 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

776 (c) "Medical cannabis card" means the same as that term is defined in Section
777 26-61a-102.778 (d) "Medical cannabis device" means the same as that term is defined in Section
779 26-61a-102.780 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
781 26-61a-102.782 (f) "Medicinal dosage form" means the same as that term is defined in Section
783 26-61a-102.784 (g) "Qualified medical provider" means the same as that term is defined in Section
785 26-61a-102.786 (h) "Qualifying condition" means the same as that term is defined in Section
787 26-61a-102.788 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
789 58-37-3.9.790 (2) Before January 1, 2021, an individual is not guilty under this chapter for the use or
791 possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if~~[(a)]~~ at the
792 time of the arrest~~;~~:793 ~~(a) the individual~~[(i)(A)]~~ had been diagnosed with a qualifying condition; and~~
794 ~~[(B) had a pre-existing provider-patient relationship with an advanced practice~~
795 ~~registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed~~
796 ~~under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,~~
797 ~~Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under~~
798 ~~Title 58, Chapter 70a, Physician Assistant Act, who believed that the individual's illness~~
799 ~~described in Subsection (2)(a)(i)(A) could benefit from the use in question; or]~~800 ~~[(ii)(A) for possession, was a medical cannabis cardholder; or]~~801 ~~[(B) for use, was a medical cannabis patient cardholder or a minor with a qualifying~~
802 ~~condition under the supervision of a medical cannabis guardian cardholder; and]~~

803 (b) the marijuana or tetrahydrocannabinol was in ~~[a medicinal dosage form in a~~
804 ~~quantity described in Subsection 26-61a-502(2).]~~ one of the following amounts:

- 805 (i) no more than 56 grams by weight of unprocessed cannabis; or
- 806 (ii) an amount of cannabis products that contains, in total, no more than 10 grams of
807 total composite tetrahydrocannabinol.

808 (3) An individual is not guilty under this chapter for the use or possession of marijuana,
809 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

- 810 (a) at the time of the arrest, the individual:
 - 811 (i) was not a resident of Utah or has been a resident of Utah for less than 45 days;
 - 812 (ii) had a currently valid medical cannabis card or the equivalent of a medical cannabis
813 card under the laws of another state, district, territory, commonwealth, or insular possession of
814 the United States; and
 - 815 (iii) had been diagnosed with a qualifying condition as described in Section
816 26-61a-104; and

817 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity
818 described in Subsection 26-61a-502(2).