

Senator Luz Escamilla proposes the following substitute bill:

MEDICAL CANNABIS ACT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Brad M. Daw

LONG TITLE

General Description:

This bill amends provisions related to the Utah Medical Cannabis Act.

Highlighted Provisions:

This bill:

- ▶ amends a provision regarding the transportation of cannabis and cannabis products to certain facilities;
- ▶ provides for testing of cannabis at additional stages of production;
- ▶ delays a provision during the decriminalization period that requires labeling with a barcode on a blister pack containing unprocessed cannabis flower;
- ▶ subjects appointees to the compassionate use board to Senate confirmation;
- ▶ provides an exception allowing certain medical professionals to recommend medical cannabis before qualified medical provider registration is available;
- ▶ provides certain employment protection for a state or political subdivision employee who declines to participate in a job duty required by the state's medical cannabis laws;
- ▶ repeals a provision allowing a court in a custody proceeding in a certain circumstance to discriminate against a parent based on the parent's lawful use of medical cannabis;



26 ▶ allows a certain insurer to issue workers' compensation insurance coverage for an
27 employer that is a cannabis production establishment or a medical cannabis
28 pharmacy;

29 ▶ amends the decriminalization provision to include protections for parents and legal
30 guardians of certain minor patients;

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

32 ▶ makes technical changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **4-41a-404**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
40 Chapter 1

41 **4-41a-701**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
42 Chapter 1

43 **26-61a-102**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
44 Chapter 1

45 **26-61a-105**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
46 Chapter 1

47 **26-61a-106**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
48 Chapter 1

49 **26-61a-111**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
50 Chapter 1

51 **30-3-10**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

52 **31A-15-103**, as last amended by Laws of Utah 2018, Chapter 319

53 **58-37-3.7**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

54 ENACTS:

55 **4-41a-107**, Utah Code Annotated 1953

56

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

58 Section 1. Section **4-41a-107** is enacted to read:

59 **4-41a-107. No adverse government employment action.**

60 The state or a political subdivision may not take adverse action against an employee

61 because the employee has objected to or refused to carry out a directive that:

62 (1) derives from a requirement imposed on the state or political subdivision under this
63 title; and

64 (2) the employee reasonably believes violates:

65 (a) a law of this state, a political subdivision of this state, or the United States; or

66 (b) a rule or regulation adopted under the authority of the laws of this state, a political

67 subdivision of this state, or the United States.

68 Section 2. Section **4-41a-404** is amended to read:

69 **4-41a-404. Cannabis, cannabis product, or medical cannabis device**
70 **transportation.**

71 (1) (a) Only the following individuals may transport cannabis in a medicinal dosage
72 form, a cannabis product in a medicinal dosage form, or a medical cannabis device under this
73 chapter:

74 (i) a registered cannabis production establishment agent; or

75 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment that
76 the cardholder is authorized to possess under this chapter.

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

80 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter
81 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment shall
82 possess a transportation manifest that:

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

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

87 (c) identifies the departure and arrival times and locations of the individual transporting

88 the cannabis, cannabis product, or medical cannabis device.

89 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
90 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
91 Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a
92 medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis
93 product, or medical cannabis device remains safe for human consumption.

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

95 (i) between a cannabis cultivation facility and:

96 (A) another cannabis cultivation facility; or

97 (B) a cannabis processing facility; and

98 (ii) between a cannabis processing facility and:

99 (A) another cannabis processing facility;

100 (B) an independent cannabis testing laboratory; [~~or~~]

101 (C) a medical cannabis pharmacy[~~;~~]; or

102 (D) the state central fill medical cannabis pharmacy.

103 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a
104 transport described in this section with a manifest that does not meet the requirements of this
105 section.

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

107 (i) guilty of an infraction; and

108 (ii) subject to a \$100 fine.

109 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
110 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
111 underlying the violation described in Subsection (4)(b).

112 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis
113 product, or medical cannabis devices than the manifest identifies, except for a de minimis
114 administrative error:

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

116 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled
117 Substances Act.

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

119 enforcement action against a cannabis production establishment or another person for failing to
120 make a transport in compliance with the requirements of this section.

121 Section 3. Section **4-41a-701** is amended to read:

122 **4-41a-701. Cannabis and cannabis product testing.**

123 (1) A cannabis cultivation facility may not offer any cannabis for sale to a cannabis
124 processing facility unless an independent cannabis testing laboratory has tested a representative
125 sample of the cannabis or cannabis product to determine that the presence of contaminants,
126 including mold, fungus, pesticides, microbial contaminants, heavy metals, or foreign material,
127 does not exceed an amount that is safe for human consumption.

128 [~~1~~] (2) A cannabis processing facility may not offer any cannabis or cannabis
129 products for sale to a medical cannabis pharmacy or the state central fill medical cannabis
130 pharmacy, and a medical cannabis pharmacy and the state central fill medical cannabis
131 pharmacy may not offer any cannabis or cannabis product for sale unless an independent
132 cannabis testing laboratory has tested a representative sample of the cannabis or cannabis
133 product to determine:

134 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the
135 cannabis or cannabis product; and

136 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the
137 label claims the cannabis or cannabis product contains;

138 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial
139 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for
140 human consumption; and

141 (c) for a cannabis product that is manufactured using a process that involves extraction
142 using hydrocarbons, that the cannabis product does not contain a level of a residual solvent that
143 is not safe for human consumption.

144 [~~2~~] (3) By rule, in accordance with Title 63G, Chapter 3, Utah Administrative
145 Rulemaking Act, the department:

146 (a) may determine the amount of any substance described in Subsections [~~1~~] (2)(b)
147 and (c) that is safe for human consumption; and

148 (b) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis
149 production establishment.

150 ~~[(3)]~~ (4) The department may require testing for a toxin if:

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

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

154 ~~[(4)]~~ (5) The department shall establish by rule, in accordance with Title 63G, Chapter
155 3, Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for
156 the testing of cannabis and cannabis products by independent cannabis testing laboratories.

157 ~~[(5)]~~ (6) The department may require an independent cannabis testing laboratory to
158 participate in a proficiency evaluation that the department conducts or that an organization that
159 the department approves conducts.

160 Section 4. Section **26-61a-102** is amended to read:

161 **26-61a-102. Definitions.**

162 As used in this chapter:

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

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

167 (3) "Cannabis" means marijuana.

168 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
169 [4-41a-102](#).

170 (5) "Cannabis processing facility" means the same as that term is defined in Section
171 [4-41a-102](#).

172 (6) "Cannabis product" means a product that:

173 (a) is intended for human use; and

174 (b) contains cannabis or tetrahydrocannabinol.

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

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

179 (9) "Community location" means a public or private school, a church, a public library,
180 a public playground, or a public park.

- 181 (10) "Department" means the Department of Health.
- 182 (11) "Designated caregiver" means an individual:
- 183 (a) whom an individual with a medical cannabis patient card or a medical cannabis
184 guardian card designates as the patient's caregiver; and
- 185 (b) who registers with the department under Section [26-61a-202](#).
- 186 (12) "Dosing parameters" means quantity, routes, and frequency of administration for a
187 recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a
188 medicinal dosage form.
- 189 (13) "Independent cannabis testing laboratory" means the same as that term is defined
190 in Section [4-41a-102](#).
- 191 (14) "Inventory control system" means the system described in Section [4-41a-103](#).
- 192 (15) "Local health department" means the same as that term is defined in Section
193 [26A-1-102](#).
- 194 (16) "Local health department distribution agent" means an agent designated and
195 registered to distribute state central fill shipments under Sections [26-61a-606](#) and [26-61a-607](#).
- 196 (17) "Marijuana" means the same as that term is defined in Section [58-37-2](#).
- 197 (18) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
198 product in a medicinal dosage form.
- 199 (19) "Medical cannabis card" means a medical cannabis patient card, a medical
200 cannabis guardian card, or a medical cannabis caregiver card.
- 201 (20) "Medical cannabis cardholder" means a holder of a medical cannabis card.
- 202 (21) "Medical cannabis caregiver card" means an official card that:
- 203 (a) the department issues to an individual whom a medical cannabis patient cardholder
204 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 205 (b) is connected to the electronic verification system.
- 206 (22) (a) "Medical cannabis device" means a device that an individual uses to ingest
207 cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
- 208 (b) "Medical cannabis device" does not include a device that:
- 209 (i) facilitates cannabis combustion; or
- 210 (ii) an individual uses to ingest substances other than cannabis.
- 211 (23) "Medical cannabis guardian card" means an official card that:

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

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

215 (24) "Medical cannabis patient card" means an official card that:

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

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

218 (25) "Medical cannabis pharmacy" means a person that:

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

220 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
221 form from a cannabis processing facility; or

222 (B) a medical cannabis device; or

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

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

227 (26) "Medical cannabis pharmacy agent" means an individual who:

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

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

230 (27) "Medical cannabis pharmacy agent registration card" means a registration card
231 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
232 agent.

233 (28) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
234 cannabis product in a medicinal dosage form, or a medical cannabis device.

235 (29) (a) "Medicinal dosage form" means:

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

238 (A) a tablet;

239 (B) a capsule;

240 (C) a concentrated oil;

241 (D) a liquid suspension;

242 (E) a topical preparation;

- 243 (F) a transdermal preparation;
- 244 (G) a sublingual preparation;
- 245 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
246 rectangular cuboid shape; or
- 247 (I) for use only after the individual's qualifying condition has failed to substantially
248 respond to at least two other forms described in this Subsection (29)(a)(i), a resin or wax;
- 249 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:
 - 250 (A) containing a specific and consistent weight that does not exceed one gram and that
251 varies by no more than 10% from the stated weight; and
 - 252 (B) after December 31, 2020, labeled with a barcode that provides information
253 connected to an inventory control system and the individual blister's content and weight; and
 - 254 (iii) a form measured in grams, milligrams, or milliliters.
- 255 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
 - 256 (i) the medical cannabis cardholder has recently removed from the blister pack
257 described in Subsection (29)(a)(ii) for use; and
 - 258 (ii) does not exceed the quantity described in Subsection (29)(a)(ii).
- 259 (c) "Medicinal dosage form" does not include:
 - 260 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in
261 Subsection (29)(b); or
 - 262 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
263 on a nail or other metal object that is heated by a flame, including a blowtorch.
- 264 (30) "Pharmacy medical provider" means the medical provider required to be on site at
265 a medical cannabis pharmacy under Section [26-61a-403](#).
- 266 (31) "Provisional patient card" means a card that:
 - 267 (a) the department issues to a minor with a qualifying condition for whom:
 - 268 (i) a qualified medical provider has recommended a medical cannabis treatment; and
 - 269 (ii) the department issues a medical cannabis guardian card to the minor's parent or
270 legal guardian; and
 - 271 (b) is connected to the electronic verification system.
- 272 (32) "Qualified medical provider" means an individual who is qualified to recommend
273 treatment with cannabis in a medicinal dosage form under Section [26-61a-106](#).

274 (33) "Qualified Distribution Enterprise Fund" means the enterprise fund created in
275 Section 26-61a-110.

276 (34) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
277 26-61a-109.

278 (35) "Qualifying condition" means a condition described in Section 26-61a-104.

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

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

283 (38) "State central fill medical provider" means a physician or pharmacist that the state
284 central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders
285 in accordance with Section 26-61a-601.

286 (39) "State central fill shipment" means a shipment of cannabis in a medicinal dosage
287 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state
288 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis
289 cardholder in a local health department.

290 (40) "State electronic verification system" means the system described in Section
291 26-61a-103.

292 Section 5. Section 26-61a-105 is amended to read:

293 **26-61a-105. Compassionate use board.**

294 (1) (a) The department shall establish a compassionate use board consisting of:

295 (i) seven qualified medical providers that the executive director appoints and the
296 Senate confirms:

297 (A) who are knowledgeable about the medicinal use of cannabis;

298 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
299 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

300 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine
301 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,
302 pediatrics, or gastroenterology; and

303 (ii) as a nonvoting member and the chair of the board, the executive director or the
304 director's designee.

305 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
306 the executive director shall ensure that at least two have a board certification in pediatrics.

307 (2) (a) Of the members of the board that the executive director first appoints:

308 (i) three shall serve an initial term of two years; and

309 (ii) the remaining members shall serve an initial term of four years.

310 (b) After an initial term described in Subsection (2)(a) expires:

311 (i) each term is four years; and

312 (ii) each board member is eligible for reappointment.

313 (c) A member of the board may serve until a successor is appointed.

314 (3) Four members constitute a quorum of the compassionate use board.

315 (4) A member of the board may receive:

316 (a) compensation or benefits for the member's service; and

317 (b) per diem and travel expenses in accordance with Section 63A-3-106, Section
318 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and
319 63A-3-107.

320 (5) The compassionate use board shall:

321 (a) review and recommend for department approval an individual described in
322 Subsection 26-61a-201(2)(a), a minor described in Subsection 26-61a-201(2)(c), or an
323 individual who is not otherwise qualified to receive a medical cannabis card to obtain a
324 medical cannabis card for compassionate use if:

325 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
326 the individual's qualified medical provider is actively treating the individual for an intractable
327 condition that:

328 (A) substantially impairs the individual's quality of life; and

329 (B) has not, in the qualified medical provider's professional opinion, adequately
330 responded to conventional treatments;

331 (ii) the qualified medical provider:

332 (A) recommends that the individual or minor be allowed to use medical cannabis; and

333 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
334 describing relevant treatment history including rationale for considering the use of medical
335 cannabis; and

336 (iii) the board determines that:
337 (A) the recommendation of the individual's qualified medical provider is justified; and
338 (B) based on available information, it may be in the best interests of the individual to
339 allow the use of medical cannabis;
340 (b) unless no petitions are pending:
341 (i) meet to receive or review compassionate use petitions at least quarterly; and
342 (ii) if there are more petitions than the board can receive or review during the board's
343 regular schedule, as often as necessary;
344 (c) complete a review of each petition and recommend to the department approval or
345 denial of the applicant for qualification for a medical cannabis card within 90 days after the day
346 on which the board received the petition; and
347 (d) report, before November 1 of each year, to the Health and Human Services Interim
348 Committee:
349 (i) the number of compassionate use recommendations the board issued during the past
350 year; and
351 (ii) the types of conditions for which the board approved compassionate use.
352 (6) (a) (i) The department shall review any compassionate use for which the board
353 recommends approval under Subsection (5)(c) to determine whether the board properly
354 exercised the board's discretion under this section.
355 (ii) If the department determines that the board properly exercised the board's
356 discretion in recommending approval under Subsection (5)(c), the department shall:
357 (A) issue the relevant medical cannabis card; and
358 (B) provide for the renewal of the medical cannabis card in accordance with the
359 recommendation of the qualified medical provider described in Subsection (5)(a).
360 (b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking
361 to obtain a medical cannabis card may petition the department to review the board's decision.
362 (ii) If the department determines that the board's recommendation for denial under
363 Subsection (5)(c) was arbitrary or capricious:
364 (A) the department shall notify the board of the department's determination; and
365 (B) the board shall reconsider the board's refusal to recommend approval under this
366 section.

367 (c) In reviewing the board's recommendation for approval or denial under Subsection
368 (5)(c) in accordance with this Subsection (6), the department shall presume the board properly
369 exercised the board's discretion unless the department determines that the board's
370 recommendation was arbitrary or capricious.

371 (7) Any individually identifiable health information contained in a petition that the
372 board or department receives under this section is a protected record in accordance with Title
373 63G, Chapter 2, Government Records Access and Management Act.

374 (8) The compassionate use board shall annually report the board's activity to the
375 Cannabinoid Product Board created in Section [26-61-201](#).

376 Section 6. Section **26-61a-106** is amended to read:

377 **26-61a-106. Qualified medical provider registration -- Continuing education --**
378 **Treatment recommendation.**

379 (1) (a) ~~[An]~~ Except as provided in Subsection (1)(b), an individual may not recommend
380 a medical cannabis treatment unless the department registers the individual as a qualified
381 medical provider in accordance with this section.

382 (b) An individual who meets the qualifications in Subsections [26-61a-106\(2\)\(a\)\(iii\)](#)
383 and (iv) may recommend a medical cannabis treatment without registering under Subsection
384 (1)(a) until January 1, 2021.

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

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

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

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

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

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

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

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

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

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

402 (C) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act,
403 whose declaration of services agreement, as that term is defined in Section [58-70a-102](#),
404 includes the recommending of medical cannabis, and whose supervising physician is a
405 qualified medical provider; and

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

407 (A) the department sets, in accordance with Section [63J-1-504](#); and

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

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

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

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

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

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

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

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

420 (i) complete continuing education:

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

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

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

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

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

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

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

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

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

441 (i) the provisions of this chapter;

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

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

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

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

449 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may
450 not recommend a medical cannabis treatment to more than 175 of the qualified medical
451 provider's patients at the same time, as determined by the number of medical cannabis cards
452 under the qualified medical provider's name in the state electronic verification system.

453 (b) Except as provided in Subsection (4)(c), a qualified medical provider may
454 recommend a medical cannabis treatment to up to 300 of the qualified medical provider's
455 patients at any given time, as determined by the number of medical cannabis cards under the
456 qualified medical provider's name in the state electronic verification system, if:

457 (i) the appropriate American medical board has certified the qualified medical provider
458 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
459 palliative medicine, physical medicine and rehabilitation, rheumatology, or psychiatry; or

460 (ii) a licensed business employs or contracts the qualified medical provider for the
461 specific purpose of providing hospice and palliative care.

462 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in
463 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for
464 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of
465 100 patients per authorization, not to exceed three authorizations.

466 (ii) The Division of Occupational and Professional Licensing shall grant the
467 authorization described in Subsection (4)(c)(i) if:

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

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

473 (C) after the review described in this Subsection (4)(c)(ii), the division determines that
474 granting the authorization would not adversely affect public safety, adversely concentrate the
475 overall patient population among too few qualified medical providers, or adversely concentrate
476 the use of medical cannabis among the provider's patients.

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

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

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

486 (i) a green cross;

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

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

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

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

493 (i) applies for renewal;

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

496 (iii) certifies to the department in a renewal application that the information in
497 Subsection (2)(a) is accurate or updates the information;

498 (iv) submits a report detailing the completion of the continuing education requirement
499 described in Subsection (3); and

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

501 (A) the department sets, in accordance with Section [63J-1-504](#); and

502 (B) does not exceed \$50 for a registration renewal.

503 (8) The department may revoke the registration of a qualified medical provider who
504 fails to maintain compliance with the requirements of this section.

505 (9) A qualified medical provider may not receive any compensation or benefit for the
506 qualified medical provider's medical cannabis treatment recommendation from:

507 (a) a cannabis production establishment or an owner, officer, director, board member,
508 employee, or agent of a cannabis production establishment;

509 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
510 employee, or agent of a medical cannabis pharmacy; or

511 (c) a qualified medical provider or pharmacy medical provider.

512 Section 7. Section **26-61a-111** is amended to read:

513 **26-61a-111. Nondiscrimination for medical care or government employment --**
514 **No adverse government employment action.**

515 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
516 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
517 product in a medicinal dosage form:

518 (a) is considered the equivalent of the authorized use of any other medication used at
519 the discretion of a physician; and

520 (b) does not constitute the use of an illicit substance or otherwise disqualify an
521 individual from needed medical care.

522 (2) (a) Notwithstanding any other provision of law and except as provided in
523 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
524 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or
525 political subdivision treats employee use of opioids and opiates.

526 (b) Subsection (2)(a) does not apply where application would jeopardize federal
527 funding for the employee's position.

528 (3) The state or a political subdivision may not take adverse action against an employee
529 because the employee has objected to or refused to carry out a directive that:

530 (a) derives from a requirement imposed on the state or political subdivision under this
531 title; and

532 (b) the employee reasonably believes violates:

533 (i) a law of this state, a political subdivision of this state, or the United States; or

534 (ii) a rule or regulation adopted under the authority of the laws of this state, a political
535 subdivision of this state, or the United States.

536 Section 8. Section 30-3-10 is amended to read:

537 **30-3-10. Custody of children in case of separation or divorce -- Custody**
538 **consideration.**

539 (1) If a married couple having one or more minor children are separated, or their
540 marriage is declared void or dissolved, the court shall make an order for the future care and
541 custody of the minor children as it considers appropriate.

542 (a) In determining any form of custody, including a change in custody, the court shall
543 consider the best interests of the child without preference for either parent solely because of the
544 biological sex of the parent and, among other factors the court finds relevant, the following:

545 (i) in accordance with Subsection (7), the past conduct and demonstrated moral
546 standards of each of the parties;

547 (ii) which parent is most likely to act in the best interest of the child, including
548 allowing the child frequent and continuing contact with the noncustodial parent;

549 (iii) the extent of bonding between the parent and child, meaning the depth, quality,
550 and nature of the relationship between a parent and child;

551 (iv) whether the parent has intentionally exposed the child to pornography or material
552 harmful to a minor, as defined in Section 76-10-1201; and

- 553 (v) those factors outlined in Section 30-3-10.2.
- 554 (b) There is a rebuttable presumption that joint legal custody, as defined in Section
555 30-3-10.1, is in the best interest of the child, except in cases where there is:
- 556 (i) domestic violence in the home or in the presence of the child;
- 557 (ii) special physical or mental needs of a parent or child, making joint legal custody
558 unreasonable;
- 559 (iii) physical distance between the residences of the parents, making joint decision
560 making impractical in certain circumstances; or
- 561 (iv) any other factor the court considers relevant including those listed in this section
562 and Section 30-3-10.2.
- 563 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan in
564 accordance with Sections 30-3-10.8 and 30-3-10.9.
- 565 (ii) A presumption for joint legal custody may be rebutted by a showing by a
566 preponderance of the evidence that it is not in the best interest of the child.
- 567 (d) A child may not be required by either party to testify unless the trier of fact
568 determines that extenuating circumstances exist that would necessitate the testimony of the
569 child be heard and there is no other reasonable method to present the child's testimony.
- 570 (e) (i) The court may inquire of the child's and take into consideration the ~~the~~ child's
571 desires regarding future custody or parent-time schedules, but the expressed desires are not
572 controlling and the court may determine the children's custody or parent-time otherwise.
- 573 (ii) The desires of a child 14 years of age or older shall be given added weight, but is
574 not the single controlling factor.
- 575 (f) (i) If an interview with a child is conducted by the court pursuant to Subsection
576 (1)(e), the interview shall be conducted by the judge in camera.
- 577 (ii) The prior consent of the parties may be obtained but is not necessary if the court
578 finds that an interview with a child is the only method to ascertain the child's desires regarding
579 custody.
- 580 (2) In awarding custody, the court shall consider, among other factors the court finds
581 relevant, which parent is most likely to act in the best interests of the child, including allowing
582 the child frequent and continuing contact with the noncustodial parent as the court finds
583 appropriate.

584 (3) If the court finds that one parent does not desire custody of the child, the court shall
585 take that evidence into consideration in determining whether to award custody to the other
586 parent.

587 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a
588 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
589 whether a substantial change has occurred for the purpose of modifying an award of custody.

590 (b) The court may not consider the disability of a parent as a factor in awarding custody
591 or modifying an award of custody based on a determination of a substantial change in
592 circumstances, unless the court makes specific findings that:

593 (i) the disability significantly or substantially inhibits the parent's ability to provide for
594 the physical and emotional needs of the child at issue; and

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

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

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

603 (6) When an issue before the court involves custodial responsibility in the event of a
604 deployment of one or both parents who are servicemembers, and the servicemember has not yet
605 been notified of deployment, the court shall resolve the issue based on the standards in Sections
606 78B-20-306 through 78B-20-309.

607 (7) In considering the past conduct and demonstrated moral standards of each party
608 under Subsection (1)(a)(i) or any other factor a court finds relevant, the court may not
609 discriminate against a parent because of or otherwise consider the parent's:

610 (a) lawful possession or use of cannabis in a medicinal dosage form, a cannabis
611 product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 26,
612 Chapter 61a, Utah Medical Cannabis Act[~~except as it relates to that parent's ability to care for~~
613 ~~a child~~]; or

614 (b) status as a:

- 615 (i) cannabis production establishment agent, as that term is defined in Section
- 616 4-41a-102;
- 617 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;
- 618 (iii) state central fill agent, as that term is defined in Section 26-61a-102; or
- 619 (iv) medical cannabis cardholder in accordance with Title 26, Chapter 61a, Utah
- 620 Medical Cannabis Act.

621 Section 9. Section 31A-15-103 is amended to read:

622 **31A-15-103. Surplus lines insurance -- Unauthorized insurers.**

623 (1) Notwithstanding Section 31A-15-102, when this state is the home state as defined
624 in Section 31A-3-305, a nonadmitted insurer may make an insurance contract for coverage of a
625 person in this state and on a risk located in this state, subject to the limitations and
626 requirements of this section.

627 (2) (a) For a contract made under this section, the insurer may, in this state:

- 628 (i) inspect the risks to be insured;
- 629 (ii) collect premiums;
- 630 (iii) adjust losses; and
- 631 (iv) do another act reasonably incidental to the contract.

632 (b) An act described in Subsection (2)(a) may be done through:

- 633 (i) an employee; or
- 634 (ii) an independent contractor.

635 (3) (a) Subsections (1) and (2) do not permit a person to solicit business in this state on
636 behalf of an insurer that has no certificate of authority.

637 (b) Insurance placed with a nonadmitted insurer shall be placed by a surplus lines
638 producer licensed under Chapter 23a, Insurance Marketing - Licensing Producers, Consultants,
639 and Reinsurance Intermediaries.

640 (c) The commissioner may by rule prescribe how a surplus lines producer may:

641 (i) pay or permit the payment, commission, or other remuneration on insurance placed
642 by the surplus lines producer under authority of the surplus lines producer's license to one
643 holding a license to act as an insurance producer; and

644 (ii) advertise the availability of the surplus lines producer's services in procuring, on
645 behalf of a person seeking insurance, a contract with a nonadmitted insurer.

646 (4) For a contract made under this section, a nonadmitted insurer is subject to Sections
647 31A-23a-402, 31A-23a-402.5, and 31A-23a-403 and the rules adopted under those sections.

648 (5) A nonadmitted insurer may not issue workers' compensation insurance coverage to
649 an employer located in this state, except:

650 (a) for stop loss coverage issued to an employer securing workers' compensation under
651 Subsection 34A-2-201(2)[-];

652 (b) a cannabis production establishment as defined in Section 4-41a-102; or

653 (c) a medical cannabis pharmacy as defined in Section 26-61a-102.

654 (6) (a) The commissioner may by rule prohibit making a contract under Subsection (1)
655 for a specified class of insurance if authorized insurers provide an established market for the
656 class in this state that is adequate and reasonably competitive.

657 (b) The commissioner may by rule place a restriction or a limitation on and create
658 special procedures for making a contract under Subsection (1) for a specified class of insurance
659 if:

660 (i) there have been abuses of placements in the class; or

661 (ii) the policyholders in the class, because of limited financial resources, business
662 experience, or knowledge, cannot protect their own interests adequately.

663 (c) The commissioner may prohibit an individual insurer from making a contract under
664 Subsection (1) and all insurance producers from dealing with the insurer if:

665 (i) the insurer willfully violates:

666 (A) this section;

667 (B) Section 31A-4-102, 31A-23a-402, 31A-23a-402.5, or 31A-26-303; or

668 (C) a rule adopted under a section listed in Subsection (6)(c)(i)(A) or (B);

669 (ii) the insurer fails to pay the fees and taxes specified under Section 31A-3-301; or

670 (iii) the commissioner has reason to believe that the insurer is:

671 (A) in an unsound condition;

672 (B) operated in a fraudulent, dishonest, or incompetent manner; or

673 (C) in violation of the law of its domicile.

674 (d) (i) The commissioner may issue one or more lists of nonadmitted foreign insurers
675 whose:

676 (A) solidity the commissioner doubts; or

677 (B) practices the commissioner considers objectionable.

678 (ii) The commissioner shall issue one or more lists of nonadmitted foreign insurers the
679 commissioner considers to be reliable and solid.

680 (iii) In addition to the lists described in Subsections (6)(d)(i) and (ii), the commissioner
681 may issue other relevant evaluations of nonadmitted insurers.

682 (iv) An action may not lie against the commissioner or an employee of the department
683 for a written or oral communication made in, or in connection with the issuance of, a list or
684 evaluation described in this Subsection (6)(d).

685 (e) A foreign nonadmitted insurer shall be listed on the commissioner's "reliable" list
686 only if the nonadmitted insurer:

687 (i) delivers a request to the commissioner to be on the list;

688 (ii) establishes satisfactory evidence of good reputation and financial integrity;

689 (iii) (A) delivers to the commissioner a copy of the nonadmitted insurer's current
690 annual statement certified by the insurer and, each subsequent year, delivers to the
691 commissioner a copy of the nonadmitted insurer's annual statement within 60 days after the day
692 on which the nonadmitted insurer files the annual statement with the insurance regulatory
693 authority where the nonadmitted insurer is domiciled; or

694 (B) files the nonadmitted insurer's annual statements with the National Association of
695 Insurance Commissioners and the nonadmitted insurer's annual statements are available
696 electronically from the National Association of Insurance Commissioners;

697 (iv) (A) is in substantial compliance with the solvency standards in Chapter 17, Part 6,
698 Risk-Based Capital, or maintains capital and surplus of at least \$15,000,000, whichever is
699 greater; or

700 (B) in the case of any "Lloyd's" or other similar incorporated or unincorporated group
701 of alien individual insurers, maintains a trust fund that:

702 (I) shall be in an amount not less than \$50,000,000 as security to its full amount for all
703 policyholders and creditors in the United States of each member of the group;

704 (II) may consist of cash, securities, or investments of substantially the same character
705 and quality as those which are "qualified assets" under Section [31A-17-201](#); and

706 (III) may include as part of this trust arrangement a letter of credit that qualifies as
707 acceptable security under Section [31A-17-404.1](#); and

708 (v) for an alien insurer not domiciled in the United States or a territory of the United
709 States, is listed on the Quarterly Listing of Alien Insurers maintained by the National
710 Association of Insurance Commissioners International Insurers Department.

711 (7) (a) Subject to Subsection (7)(b), a surplus lines producer may not, either knowingly
712 or without reasonable investigation of the financial condition and general reputation of the
713 insurer, place insurance under this section with:

- 714 (i) a financially unsound insurer;
- 715 (ii) an insurer engaging in unfair practices; or
- 716 (iii) an otherwise substandard insurer.

717 (b) A surplus line producer may place insurance under this section with an insurer
718 described in Subsection (7)(a) if the surplus line producer:

- 719 (i) gives the applicant notice in writing of the known deficiencies of the insurer or the
720 limitations on the surplus line producer's investigation; and
- 721 (ii) explains the need to place the business with that insurer.

722 (c) A copy of the notice described in Subsection (7)(b) shall be kept in the office of the
723 surplus line producer for at least five years.

724 (d) To be financially sound, an insurer shall satisfy standards that are comparable to
725 those applied under the laws of this state to an authorized insurer.

726 (e) An insurer on the "doubtful or objectionable" list under Subsection (6)(d) or an
727 insurer not on the commissioner's "reliable" list under Subsection (6)(e) is presumed
728 substandard.

729 (8) (a) A policy issued under this section shall:

- 730 (i) include a description of the subject of the insurance; and
- 731 (ii) indicate:
 - 732 (A) the coverage, conditions, and term of the insurance;
 - 733 (B) the premium charged the policyholder;
 - 734 (C) the premium taxes to be collected from the policyholder; and
 - 735 (D) the name and address of the policyholder and insurer.

736 (b) If the direct risk is assumed by more than one insurer, the policy shall state:

- 737 (i) the names and addresses of all insurers; and
- 738 (ii) the portion of the entire direct risk each assumes.

739 (c) A policy issued under this section shall have attached or affixed to the policy the
740 following statement: "The insurer issuing this policy does not hold a certificate of authority to
741 do business in this state and thus is not fully subject to regulation by the Utah insurance
742 commissioner. This policy receives no protection from any of the guaranty associations created
743 under Title 31A, Chapter 28, Guaranty Associations."

744 (9) Upon placing a new or renewal coverage under this section, a surplus lines
745 producer shall promptly deliver to the policyholder or the policyholder's agent evidence of the
746 insurance consisting either of:

747 (a) the policy as issued by the insurer; or

748 (b) if the policy is not available upon placing the coverage, a certificate, cover note, or
749 other confirmation of insurance complying with Subsection (8).

750 (10) If the commissioner finds it necessary to protect the interests of insureds and the
751 public in this state, the commissioner may by rule subject a policy issued under this section to
752 as much of the regulation provided by this title as is required for a comparable policy written
753 by an authorized foreign insurer.

754 (11) (a) A surplus lines transaction in this state shall be examined to determine whether
755 it complies with:

756 (i) the surplus lines tax levied under Chapter 3, Department Funding, Fees, and Taxes;

757 (ii) the solicitation limitations of Subsection (3);

758 (iii) the requirement of Subsection (3) that placement be through a surplus lines
759 producer;

760 (iv) placement limitations imposed under Subsections (6)(a), (b), and (c); and

761 (v) the policy form requirements of Subsections (8) and (10).

762 (b) The examination described in Subsection (11)(a) shall take place as soon as
763 practicable after the transaction. The surplus lines producer shall submit to the examiner
764 information necessary to conduct the examination within a period specified by rule.

765 (c) (i) The examination described in Subsection (11)(a) may be conducted by the
766 commissioner or by an advisory organization created under Section [31A-15-111](#) and authorized
767 by the commissioner to conduct these examinations. The commissioner is not required to
768 authorize an additional advisory organization to conduct an examination under this Subsection
769 (11)(c).

770 (ii) The commissioner's authorization of one or more advisory organizations to act as
771 examiners under this Subsection (11)(c) shall be:

772 (A) by rule; and

773 (B) evidenced by a contract, on a form provided by the commissioner, between the
774 authorized advisory organization and the department.

775 (d) (i) (A) A person conducting the examination described in Subsection (11)(a) shall
776 collect a stamping fee of an amount not to exceed 1% of the policy premium payable in
777 connection with the transaction.

778 (B) A stamping fee collected by the commissioner shall be deposited in the General
779 Fund.

780 (C) The commissioner shall establish a stamping fee by rule.

781 (ii) A stamping fee collected by an advisory organization is the property of the advisory
782 organization to be used in paying the expenses of the advisory organization.

783 (iii) Liability for paying a stamping fee is as required under Subsection [31A-3-303\(1\)](#)
784 for taxes imposed under Section [31A-3-301](#).

785 (iv) The commissioner shall adopt a rule dealing with the payment of stamping fees. If
786 a stamping fee is not paid when due, the commissioner or advisory organization may impose a
787 penalty of 25% of the stamping fee due, plus 1-1/2% per month from the time of default until
788 full payment of the stamping fee.

789 (e) The commissioner, representatives of the department, advisory organizations,
790 representatives and members of advisory organizations, authorized insurers, and surplus lines
791 insurers are not liable for damages on account of statements, comments, or recommendations
792 made in good faith in connection with their duties under this Subsection (11)(e) or under
793 Section [31A-15-111](#).

794 (f) An examination conducted under this Subsection (11) and a document or materials
795 related to the examination are confidential.

796 (12) (a) For a surplus lines insurance transaction in the state entered into on or after
797 May 13, 2014, if an audit is required by the surplus lines insurance policy, a surplus lines
798 insurer:

799 (i) shall exercise due diligence to initiate an audit of an insured, to determine whether
800 additional premium is owed by the insured, by no later than six months after the expiration of

801 the term for which premium is paid; and

802 (ii) may not audit an insured more than three years after the surplus lines insurance
803 policy expires.

804 (b) A surplus lines insurer that does not comply with this Subsection (12) may not
805 charge or collect additional premium in excess of the premium agreed to under the surplus
806 lines insurance policy.

807 Section 10. Section **58-37-3.7** is amended to read:

808 **58-37-3.7. Medical cannabis decriminalization.**

809 (1) As used in this section:

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

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

812 (c) "Medical cannabis card" means the same as that term is defined in Section
813 [26-61a-102](#).

814 (d) "Medical cannabis device" means the same as that term is defined in Section
815 [26-61a-102](#).

816 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
817 [26-61a-102](#).

818 (f) "Medicinal dosage form" means the same as that term is defined in Section
819 [26-61a-102](#).

820 (g) "Qualified medical provider" means the same as that term is defined in Section
821 [26-61a-102](#).

822 (h) "Qualifying condition" means the same as that term is defined in Section
823 [26-61a-102](#).

824 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
825 [58-37-3.9](#).

826 (2) Before January 1, 2021, an individual is not guilty under this chapter for the use or
827 possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

828 (a) at the time of the arrest, the individual:

829 (i) (A) had been diagnosed with a qualifying condition; and

830 (B) had a pre-existing provider-patient relationship with an advanced practice

831 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed

832 under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,
833 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
834 Title 58, Chapter 70a, Physician Assistant Act, who believed that the individual's illness
835 described in Subsection (2)(a)(i)(A) could benefit from the use in question; [or]

836 (ii) for possession, was:

837 (A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who
838 is a minor; or

839 (B) the spouse of an individual described in Subsection (2)(a)(i); or

840 ~~[(ii)]~~ (iii) (A) for possession, was a medical cannabis cardholder; or

841 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying
842 condition under the supervision of a medical cannabis guardian cardholder; and

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

845 (i) no more than 56 grams by weight of unprocessed cannabis; or

846 (ii) an amount of cannabis products that contains, in total, no more than 10 grams of
847 total composite tetrahydrocannabinol.

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

850 (a) at the time of the arrest, the individual:

851 (i) was not a resident of Utah or has been a resident of Utah for less than 45 days;

852 (ii) had a currently valid medical cannabis card or the equivalent of a medical cannabis
853 card under the laws of another state, district, territory, commonwealth, or insular possession of
854 the United States; and

855 (iii) had been diagnosed with a qualifying condition as described in Section
856 ~~26-61a-104~~; and

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

859 Section 11. **Effective date.**

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

863 the date of veto override.