

- 28 • certain guardians and designated caregivers re-applying for a medical cannabis
29 card;
- 30 ▶ clarifies that cannabis production establishments and medical cannabis pharmacies
31 may use signage regardless of local ordinances;
- 32 ▶ amends provisions regarding local government land use control, including:
 - 33 • ensuring that cannabis production establishments and medical cannabis
34 pharmacies are treated similarly to comparable businesses; and
 - 35 • amends a requirement for an approved land use permit application to be
36 required within a certain time after the issuance of a license;
- 37 ▶ allows UDAF to license research universities to conduct academic medical cannabis
38 research;
- 39 ▶ adopts a nationally recognized code regarding marijuana production into the state
40 fire code;
- 41 ▶ provides for electronic medical cannabis cards;
- 42 ▶ amends the valid forms of identification accepted in relation to the distribution of
43 medical cannabis;
- 44 ▶ provides that use of medical cannabis may not be considered differently than lawful
45 use of an opioid or opiate in certain circumstances;
- 46 ▶ amends provisions regarding privacy in studies of cardholder data;
- 47 ▶ requires an applicant for a medical cannabis pharmacy license to describe a strategic
48 plan for opening, including the timing of the opening based on supply, in
49 consultation with UDAF, and demand, in consultation with DoH;
- 50 ▶ increases the number of licenses available for private medical cannabis pharmacies;
- 51 ▶ allows DoH to issue medical cannabis pharmacy licenses in two phases using one
52 procurement process;
- 53 ▶ allows for certain medical practitioners to be registered as medical cannabis
54 pharmacy agents as long as the provider is not registered as a qualified medical
55 provider;
- 56 ▶ amends allowable sale and possession amount to be uniform regardless of the
57 distance between an individual's residence and a medical cannabis pharmacy;
- 58 ▶ directs DoH to create a state central patient portal for patient safety, education, and

59 electronic access to home deliveries of medical cannabis shipments from home delivery
60 medical cannabis pharmacies;
61 ▶ allows DoH to designate certain private medical cannabis pharmacies as home
62 delivery medical cannabis pharmacies that fulfill electronic orders for medical
63 cannabis shipments:
64 • that medical cannabis cardholders access through the state central patient portal;
65 and
66 • for which a payment provider that the Division of Finance approves, in
67 consultation with the state treasurer, or a financial institution facilitates a
68 financial transaction;
69 ▶ broadens an existing requirement that DoH employ certain medical providers to
70 consult with medical cannabis cardholders;
71 ▶ provides for licensing of medical cannabis couriers and registration of medical
72 cannabis courier agents to facilitate delivery of medical cannabis shipments from
73 home delivery medical cannabis pharmacies;
74 ▶ repeals a DoH rulemaking and reporting requirement regarding data on cannabinoid
75 product recommendations;
76 ▶ prohibits considering, in a judicial context, lawful possession or use of medical
77 cannabis differently from lawful possession or use of any prescribed controlled
78 substance;
79 ▶ prohibits certain conditions of probation or release or terms of certain agreements
80 that require a person to abstain from medical cannabis;
81 ▶ addresses a parent or guardian's use of medical cannabis in child welfare cases; and
82 ▶ makes technical and conforming changes.

83 **Money Appropriated in this Bill:**

84 None

85 **Other Special Clauses:**

86 This bill provides a special effective date.

87 This bill provides revisor instructions.

88 **Utah Code Sections Affected:**

89 AMENDS:

- 90 **4-41a-102**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 91 Chapter 1
- 92 **4-41a-103**, as last amended by Laws of Utah 2019, Chapter 136
- 93 **4-41a-201**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 94 Chapter 1
- 95 **4-41a-204**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 96 Chapter 1
- 97 **4-41a-205**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 98 Chapter 1
- 99 **4-41a-301**, as last amended by Laws of Utah 2019, Chapter 136
- 100 **4-41a-302**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 101 Chapter 1
- 102 **4-41a-403**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 103 Chapter 1
- 104 **4-41a-404**, as last amended by Laws of Utah 2019, Chapter 341
- 105 **4-41a-406**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 106 Chapter 1
- 107 **4-41a-501**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 108 Chapter 1
- 109 **4-41a-701**, as last amended by Laws of Utah 2019, Chapter 341
- 110 **15A-5-103**, as last amended by Laws of Utah 2019, Chapter 103
- 111 **26-61a-102**, as last amended by Laws of Utah 2019, Chapter 341
- 112 **26-61a-103**, as last amended by Laws of Utah 2019, Chapters 136 and 341
- 113 **26-61a-106**, as last amended by Laws of Utah 2019, Chapters 136 and 341
- 114 **26-61a-107**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 115 Chapter 1
- 116 **26-61a-109**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 117 Chapter 1
- 118 **26-61a-111**, as last amended by Laws of Utah 2019, Chapter 341
- 119 **26-61a-201**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 120 Chapter 1

- 121 **26-61a-202**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 122 Chapter 1
- 123 **26-61a-203**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 124 Chapter 1
- 125 **26-61a-204**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 126 Chapter 1
- 127 **26-61a-301**, Utah Code Annotated 1953
- 128 **26-61a-302**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 129 Chapter 1
- 130 **26-61a-304**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 131 Chapter 1
- 132 **26-61a-305**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 133 Chapter 1
- 134 **26-61a-401**, as last amended by Laws of Utah 2019, Chapter 136
- 135 **26-61a-403**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 136 **26-61a-502**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 137 Chapter 1
- 138 **26-61a-503**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 139 **26-61a-505**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 140 Chapter 1
- 141 **26-61a-506**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 142 Chapter 1
- 143 **26-61a-507**, as last amended by Laws of Utah 2019, Chapter 136
- 144 **26-61a-605**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 145 **26-61a-606**, as last amended by Laws of Utah 2019, Chapter 136
- 146 **26-61a-607**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 147 **26-61a-702**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 148 Chapter 1
- 149 **26-61a-703**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 150 Chapter 1
- 151 **30-3-10**, as last amended by Laws of Utah 2019, Chapters 136, 188, and 341

152 **58-17b-302**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
153 **58-17b-310**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
154 **58-17b-502**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
155 **58-37-3.7**, as last amended by Laws of Utah 2019, Chapter 341
156 **58-37-3.8**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
157 **58-37-3.9**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
158 **58-67-304**, as last amended by Laws of Utah 2019, Chapter 136
159 **58-67-502**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
160 **58-68-304**, as last amended by Laws of Utah 2019, Chapter 136
161 **58-68-502**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
162 **59-12-104.10**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
163 **78A-6-115**, as last amended by Laws of Utah 2018, Chapter 359

164 ENACTS:

165 **4-41a-901**, Utah Code Annotated 1953
166 **4-41a-902**, Utah Code Annotated 1953
167 **4-41a-903**, Utah Code Annotated 1953
168 **10-9a-528**, Utah Code Annotated 1953
169 **17-27a-525**, Utah Code Annotated 1953
170 **26-61a-115**, Utah Code Annotated 1953
171 **78A-2-231**, Utah Code Annotated 1953

172 REPEALS AND REENACTS:

173 **26-61a-601**, as last amended by Laws of Utah 2019, Chapter 136
174 **26-61a-602**, as last amended by Laws of Utah 2019, Chapter 136
175 **26-61a-603**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
176 **26-61a-604**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

177 REPEALS:

178 **26-61a-110**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
179 **26-61a-205**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
180 **26-61a-608**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
181 **26-61a-609**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
182 **26-61a-610**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

- 183 [26-61a-611](#), as last amended by Laws of Utah 2019, Chapter 136
- 184 [26-65-101](#), as enacted by Laws of Utah 2018, Chapter 452
- 185 [26-65-102](#), as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 186 [26-65-103](#), as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 187 [26-65-201](#), as enacted by Laws of Utah 2018, Chapter 452
- 188 [26-65-202](#), as enacted by Laws of Utah 2018, Chapter 452

Utah Code Sections Affected by Revisor Instructions:

- 190 [4-41a-201](#), as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 191 Chapter 1

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

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

4-41a-102. Definitions.

As used in this chapter:

- 197 (1) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 198 (2) "Cannabis cultivation facility" means a person that:
 - 199 (a) possesses cannabis;
 - 200 (b) grows or intends to grow cannabis; and
 - 201 (c) sells or intends to sell cannabis to a cannabis cultivation facility [~~or to~~], a cannabis
 - 202 processing facility, or a medical cannabis research licensee.

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

- 204 (a) is an employee of a cannabis cultivation facility; and
- 205 (b) holds a valid cannabis production establishment agent registration card.

(4) "Cannabis processing facility" means a person that:

207 (a) acquires or intends to acquire cannabis from a cannabis production establishment or
208 a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and
209 Cannabinoid Act;

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

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

213 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or [~~the~~

214 ~~state central fill]~~ a medical cannabis [~~pharmacy~~] research licensee.

215 (5) "Cannabis processing facility agent" means an individual who:

216 (a) is an employee of a cannabis processing facility; and

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

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

219 (7) "Cannabis production establishment" means a cannabis cultivation facility, a
220 cannabis processing facility, or an independent cannabis testing laboratory.

221 (8) "Cannabis production establishment agent" means a cannabis cultivation facility
222 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

223 (9) "Cannabis production establishment agent registration card" means a registration
224 card that the department issues that:

225 (a) authorizes an individual to act as a cannabis production establishment agent; and

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

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

230 (11) "Department" means the Department of Agriculture and Food.

231 (12) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
232 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
233 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

234 (13) "Independent cannabis testing laboratory" means a person that:

235 (a) conducts a chemical or other analysis of cannabis or a cannabis product; or

236 (b) acquires, possesses, and transports cannabis or a cannabis product with the intent to
237 conduct a chemical or other analysis of the cannabis or cannabis product.

238 (14) "Independent cannabis testing laboratory agent" means an individual who:

239 (a) is an employee of an independent cannabis testing laboratory; and

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

241 (15) "Inventory control system" means a system described in Section [4-41a-103](#).

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

243 (17) "Medical cannabis card" means the same as that term is defined in Section
244 [26-61a-102](#).

245 (18) "Medical cannabis pharmacy" means the same as that term is defined in Section
246 [26-61a-102](#).

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

249 (20) "Medical cannabis research license" means a license that the department issues to
250 a research university for the purpose of obtaining and possessing medical cannabis for
251 academic research.

252 (21) "Medical cannabis research licensee" means a research university that the
253 department licenses to obtain and possess medical cannabis for academic research, in
254 accordance with Section [4-41a-901](#).

255 ~~[(20)]~~ (22) "Medical cannabis treatment" means the same as that term is defined in
256 Section [26-61a-102](#).

257 ~~[(21)]~~ (23) "Medicinal dosage form" means the same as that term is defined in Section
258 [26-61a-102](#).

259 ~~[(22)]~~ (24) "Qualified medical provider" means the same as that term is defined in
260 Section [26-61a-102](#).

261 ~~[(23)]~~ (25) "Qualified Production Enterprise Fund" means the fund created in Section
262 [4-41a-104](#).

263 ~~[(24) "State central fill agent" means the same as that term is defined in Section
264 [26-61a-102](#).]~~

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

267 ~~[(26) "State central fill shipment" means the same as that term is defined in Section
268 [26-61a-102](#).]~~

269 (26) "Research university" means the same as that term is defined in Section
270 [53B-7-702](#).

271 (27) "State electronic verification system" means the system described in Section
272 [26-61a-103](#).

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

275 (29) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and

276 tetrahydrocannabinolic acid.

277 Section 2. Section **4-41a-103** is amended to read:

278 **4-41a-103. Inventory control system.**

279 (1) Each cannabis production establishment[;] and each medical cannabis pharmacy[;]
280 ~~and the state central fill medical cannabis pharmacy]~~ shall maintain an inventory control system
281 that meets the requirements of this section.

282 (2) A cannabis production establishment[;] and a medical cannabis pharmacy[;] ~~and the~~
283 ~~state central fill medical cannabis pharmacy]~~ shall ensure that the inventory control system
284 maintained by the establishment or pharmacy:

285 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis
286 plant is eight inches tall and has a root ball until the cannabis is disposed of or sold, in the form
287 of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card;

288 (b) maintains in real time a record of the amount of cannabis and cannabis products in
289 the possession of the establishment or pharmacy;

290 (c) includes a video recording system that:

291 (i) tracks all handling and processing of cannabis or a cannabis product in the
292 establishment or pharmacy;

293 (ii) is tamper proof; and

294 (iii) stores a video record for at least 45 days; and

295 (d) preserves compatibility with the state electronic verification system described in
296 Section [26-61a-103](#).

297 (3) A cannabis production establishment[;] and a medical cannabis pharmacy[;] ~~and the~~
298 ~~state central fill medical cannabis pharmacy]~~ shall allow the department or the Department of
299 Health access to the cannabis production establishment's[;] or the medical cannabis
300 pharmacy's[;] ~~or state central fill medical cannabis pharmacy's]~~ inventory control system at any
301 time.

302 (4) The department may establish compatibility standards for an inventory control
303 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
304 Rulemaking Act.

305 (5) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
306 Administrative Rulemaking Act, establishing requirements for aggregate or batch records

307 regarding the planting and propagation of cannabis before being tracked in an inventory control
308 system described in this section.

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

312 Section 3. Section **4-41a-201** is amended to read:

313 **4-41a-201. Cannabis production establishment -- License.**

314 (1) A person may not operate a cannabis production establishment without a license
315 that the department issues under this chapter.

316 (2) (a) (i) Subject to Subsections (6), (7), ~~[and]~~ (8), and (13) and to Section
317 4-41a-205^[7]:

318 (A) for a licensing process that the department initiated before the effective date of this
319 bill, the department shall~~[, in accordance with]~~ use the procedures in Title 63G, Chapter 6a,
320 Utah Procurement Code~~[, issue a license to operate a cannabis production establishment]~~ to
321 review and rank applications for a cannabis production establishment license; and

322 (B) for a licensing process that the department initiates after the effective date of this
323 bill, the department shall issue a license to operate a cannabis production establishment in
324 accordance with the procedures described in Subsection (2)(a)(iii).

325 (ii) The department may not issue a license to operate a cannabis production
326 establishment to an applicant who is not eligible for a license under this section.

327 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
328 the department shall make rules to specify a transparent and efficient process to:

329 (A) solicit applications for a license under this section;

330 (B) allow for comments and questions in the development of applications;

331 (C) timely and objectively evaluate applications;

332 (D) hold public hearings that the department deems appropriate; and

333 (E) select applicants to receive a license.

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

336 (i) subject to Subsection (2)(c), a proposed name and address, located in a zone
337 described in Subsection 4-41a-406(1)(a) or (b), where the applicant will operate the cannabis

338 production establishment [~~that is not within 1,000 feet of a community location or within 600~~
339 ~~feet of an area zoned primarily for residential use, as measured from the nearest entrance to the~~
340 ~~cannabis production establishment by following the shortest route of ordinary pedestrian travel~~
341 ~~to the property boundary of the community location or residential area, unless the relevant~~
342 ~~county or municipality recommends in writing that the department waive the community~~
343 ~~location proximity limit];~~

344 (ii) the name and address of any individual who has:

345 (A) a financial or voting interest of 2% or greater in the proposed cannabis production
346 establishment; or

347 (B) the power to direct or cause the management or control of a proposed cannabis
348 production establishment;

349 (iii) an operating plan that:

350 (A) complies with Section 4-41a-204;

351 (B) includes operating procedures that comply with this chapter and any law the
352 municipality or county in which the person is located adopts that is consistent with Section
353 4-41a-406; and

354 (C) the department approves;

355 (iv) evidence that the applicant has obtained and maintains a performance bond that a
356 surety authorized to transact surety business in the state issues in an amount of at least:

357 (A) \$250,000 for each cannabis cultivation facility for which the applicant applies; or

358 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
359 laboratory for which the applicant applies;

360 [~~(v) if the municipality or county where the proposed cannabis production~~
361 ~~establishment would be located requires a local land use permit, a copy of the applicant's~~
362 ~~approved application for the local land use permit, and]~~

363 [(~~vi~~)] (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
364 department sets in accordance with Section 63J-1-504[-]; and

365 (vi) a description of any investigation or adverse action taken by any licensing
366 jurisdiction, government agency, law enforcement agency, or court in any state for any
367 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
368 or businesses.

369 (c) (i) A person may not locate a cannabis production establishment:
370 (A) within 1,000 feet of a community location; or
371 (B) in or within 600 feet of an area that the relevant municipality or county has zoned
372 as primarily residential.

373 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
374 from the nearest entrance to the cannabis production establishment by following the shortest
375 route of ordinary pedestrian travel to the property boundary of the community location or
376 residential area.

377 (iii) The department may grant a waiver to reduce the proximity requirements in
378 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
379 for the applicant to site the proposed cannabis production establishment without the waiver.

380 (iv) An applicant for a license under this section shall provide evidence of compliance
381 with the proximity requirements described in Subsection (2)(c)(i).

382 (3) If the department approves an application for a license under this section:

383 (a) the applicant shall pay the department an initial license fee in an amount that,
384 subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
385 and

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

388 (4) (a) Except as provided in Subsection (4)(b), the department shall require a separate
389 license for each type of cannabis production establishment and each location of a cannabis
390 production establishment.

391 (b) The department may issue a cannabis cultivation facility license and a cannabis
392 processing facility license to a person to operate at the same physical location or at separate
393 physical locations.

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

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

399 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a

400 cannabis processing facility, or a cannabis cultivation facility;

401 (b) has an owner, officer, director, or employee whose family member holds a license
402 or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or
403 a cannabis cultivation facility; or

404 (c) proposes to operate the independent cannabis testing laboratory at the same physical
405 location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis
406 cultivation facility.

407 (7) The department may not issue a license to operate a cannabis production
408 establishment to an applicant if any individual described in Subsection (2)(b)(ii):

409 (a) has been convicted under state or federal law of:

410 (i) a felony; or

411 (ii) after December 3, 2018, a misdemeanor for drug distribution; or

412 (b) is younger than 21 years old.

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

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

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

420 (9) The department may revoke a license under this part:

421 (a) if the cannabis production establishment does not begin cannabis production
422 operations within one year after the day on which the department issues the initial license;

423 (b) after the cannabis production establishment makes the same violation of this
424 chapter three times; [or]

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

427 (i) a felony; or

428 (ii) after December 3, 2018, a misdemeanor for drug distribution[-]; or

429 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
430 the time of application, or fails to supplement the information described in Subsection

431 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
432 application.

433 (10) (a) A person who receives a cannabis production establishment license under this
434 chapter, if the municipality or county where the licensed cannabis production establishment
435 will be located requires a local land use permit, shall submit to the department a copy of the
436 licensee's approved application for the land use permit within 120 days after the day on which
437 the department issues the license.

438 (b) If a licensee fails to submit to the department a copy of the licensee's approved land
439 use permit application in accordance with Subsection (10)(a), the department may revoke the
440 licensee's license.

441 ~~[(10)]~~ (11) The department shall deposit the proceeds of a fee that the department
442 imposes under this section into the Qualified Production Enterprise Fund.

443 ~~[(11)]~~ (12) The department shall begin accepting applications under this part on or
444 before January 1, 2020.

445 ~~[(12)]~~ (13) The department's authority to issue a license under this section is plenary
446 and is not subject to review.

447 Section 4. Section **4-41a-204** is amended to read:

448 **4-41a-204. Operating plan.**

449 (1) A person applying for a cannabis production establishment license or license
450 renewal shall submit to the department for the department's review a proposed operating plan
451 that complies with this section and that includes:

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

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

455 (i) each officer, director, and owner of the proposed cannabis production
456 establishment; and

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

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

459 (d) a security plan;

460 (e) a description of the cannabis production establishment's inventory control system,
461 including a description of how the inventory control system is compatible with the state

462 electronic verification system described in Section [26-61a-103](#);

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

465 (g) for a cannabis cultivation facility, the information described in Subsection (2);

466 (h) for a cannabis processing facility, the information described in Subsection (3); and

467 (i) for an independent cannabis testing laboratory, the information described in
468 Subsection (4).

469 (2) (a) A cannabis cultivation facility shall ensure that the facility's operating plan
470 includes the facility's intended:

471 (i) cannabis cultivation practices, including the facility's intended pesticide use and
472 fertilizer use; and

473 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and
474 anticipated cannabis yield.

475 (b) Except as provided in Subsection ~~[(2)(c) or (d):(i)]~~ (2)(c)(i) or (d)(ii), a cannabis
476 cultivation facility ~~[that cultivates cannabis indoors]~~ may not:

477 (i) for a facility that cultivates cannabis only indoors:

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

479 (B) hang, suspend, stack or otherwise position plants above other plants to cultivate
480 more plants through use of vertical space; ~~[and]~~

481 (ii) ~~[a cannabis cultivation]~~ for a facility that cultivates cannabis only outdoors ~~[may~~
482 ~~not]~~, use more than four acres for cultivation~~[-]; and~~

483 (iii) for a facility that cultivates cannabis through a combination of indoor and outdoor
484 cultivation, use more combined indoor square footage and outdoor acreage than allowed under
485 the department's formula described in Subsection (2)(e).

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

488 (ii) The department may, after conducting a review as described in Subsection
489 [4-41a-205\(2\)\(a\)](#), grant the authorization described in Subsection (2)(c)(i).

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

492 (i) the licensee may not cultivate more than the licensee's identified intended acreage or

493 square footage under cultivation; and

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

496 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah
497 Administrative Rulemaking Act, establish a formula for combined usage of indoor and outdoor
498 cultivation that:

499 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described
500 in Subsection (2)(b)(i) or (ii); and

501 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.

502 (f) Notwithstanding an applicant's proposed operating plan, a cannabis production
503 establishment is subject to land use regulations, as defined in Sections [10-9a-103](#) and
504 [17-27a-103](#), regarding the availability of outdoor cultivation in an industrial zone.

505 (3) A cannabis processing facility's operating plan shall include the facility's intended
506 cannabis processing practices, including the cannabis processing facility's intended:

507 (a) offered variety of cannabis product;

508 (b) cannabinoid extraction method;

509 (c) cannabinoid extraction equipment;

510 (d) processing equipment;

511 (e) processing techniques; and

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

513 (4) An independent cannabis testing laboratory's operating plan shall include the
514 laboratory's intended:

515 (a) cannabis and cannabis product testing capability;

516 (b) cannabis and cannabis product testing equipment; and

517 (c) testing methods, standards, practices, and procedures for testing cannabis and
518 cannabis products.

519 Section 5. Section **4-41a-205** is amended to read:

520 **4-41a-205. Number of licenses -- Cannabis cultivation facilities.**

521 (1) Except as provided in Subsection (2)(a), the department [~~may not~~] shall issue at
522 least five but not more than [10] ~~eight~~ licenses to operate a cannabis cultivation facility.

523 (2) (a) The department may issue [~~up to five~~] a number of licenses to operate a cannabis

524 cultivation facility that, in addition to the [~~10~~] licenses described in Subsection (1), does not
525 cause the total number of licenses to exceed 15 if the department determines, in consultation
526 with the Department of Health and after an annual or more frequent analysis of the current and
527 anticipated market for cannabis in a medicinal dosage form and cannabis products in a
528 medicinal dosage form, that each additional license is necessary to provide an adequate supply,
529 quality, or variety of cannabis in a medicinal dosage form and cannabis products in a medicinal
530 dosage form to medical cannabis cardholders.

531 (b) If the recipient of one of the initial [~~10~~] licenses described in Subsection (1) ceases
532 operations for any reason or otherwise abandons the license, the department may but is not
533 required to grant the vacant license to another applicant based on an analysis as described in
534 Subsection (2)(a).

535 (3) If there are more qualified applicants than the number of available licenses for
536 cannabis cultivation facilities under Subsections (1) and (2), the department shall evaluate the
537 applicants and award the limited number of licenses described in Subsections (1) and (2) to the
538 applicants that best demonstrate:

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

540 (i) complying with a regulatory environment;

541 (ii) tracking inventory; and

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

543 (b) an operating plan that will best ensure the safety and security of patrons and the
544 community;

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

546 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a
547 medicinal dosage form or cannabis products in a medicinal dosage form.

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

550 Section 6. Section **4-41a-301** is amended to read:

551 **4-41a-301. Cannabis production establishment agent -- Registration.**

552 (1) An individual may not act as a cannabis production establishment agent unless the
553 department registers the individual as a cannabis production establishment agent.

554 (2) The following individuals, regardless of the individual's status as a qualified

555 medical provider, may not serve as a cannabis production establishment agent, have a financial
556 or voting interest of 2% or greater in a cannabis production establishment, or have the power to
557 direct or cause the management or control of a cannabis production establishment:

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

559 (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
560 Practice Act;

561 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
562 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

563 (d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
564 Act.

565 (3) An independent cannabis testing laboratory agent may not act as an agent for a
566 medical cannabis pharmacy, [~~the state central fill medical cannabis pharmacy~~] a medical
567 cannabis courier, a cannabis processing facility, or a cannabis cultivation facility.

568 (4) (a) The department shall, within 15 business days after the day on which the
569 department receives a complete application from a cannabis production establishment on
570 behalf of a prospective cannabis production establishment agent, register and issue a cannabis
571 production establishment agent registration card to the prospective agent if the cannabis
572 production establishment:

573 (i) provides to the department:

574 (A) the prospective agent's name and address;

575 (B) the name and location of a licensed cannabis production establishment where the
576 prospective agent will act as the cannabis production establishment's agent; and

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

578 (ii) pays a fee to the department in an amount that, subject to Subsection [4-41a-104\(5\)](#),
579 the department sets in accordance with Section [63J-1-504](#).

580 (b) [~~Each~~] Except for an applicant reapplying for a cannabis production establishment
581 agent registration card within less than one year after the expiration of the applicant's previous
582 cannabis production establishment agent registration card, each prospective agent described in
583 Subsection (4)(a) shall:

584 (i) submit to the department:

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

586 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
587 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
588 Generation Identification System's Rap Back Service; and

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

590 (A) the Bureau of Criminal Identification; and

591 (B) the Federal Bureau of Investigation.

592 (c) The Bureau of Criminal Identification shall:

593 (i) check the fingerprints the prospective agent submits under Subsection (4)(b) against
594 the applicable state, regional, and national criminal records databases, including the Federal
595 Bureau of Investigation Next Generation Identification System;

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

597 (iii) maintain a separate file of fingerprints that prospective agents submit under
598 Subsection (4)(b) for search by future submissions to the local and regional criminal records
599 databases, including latent prints;

600 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
601 Generation Identification System's Rap Back Service for search by future submissions to
602 national criminal records databases, including the Next Generation Identification System and
603 latent prints; and

604 (v) establish a privacy risk mitigation strategy to ensure that the department only
605 receives notifications for an individual with whom the department maintains an authorizing
606 relationship.

607 (d) The department shall:

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

611 (ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal
612 Identification.

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

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

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

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

620 (a) a certification standard that the department develops; or

621 (b) a ~~[third-party]~~ certification standard that the department ~~[designates by rule, in~~
622 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ has reviewed and
623 approved.

624 (7) (a) The department shall ensure that the certification standard described in
625 Subsection (6) includes training:

626 ~~[(a)]~~ (i) in Utah medical cannabis law;

627 ~~[(b)]~~ (ii) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

628 ~~[(c)]~~ (iii) for a cannabis processing facility agent, in cannabis processing,

629 manufacturing safety procedures for items for human consumption, and sanitation best
630 practices; and

631 ~~[(d)]~~ (iv) for an independent cannabis testing laboratory agent, in cannabis testing best
632 practices.

633 (b) The department shall review the training described in Subsection (7)(a) annually or
634 as often as necessary to ensure compliance with this section.

635 (8) For an individual who holds or applies for a cannabis production establishment
636 agent registration card:

637 (a) the department may revoke or refuse to issue the card if the individual violates the
638 requirements of this chapter; and

639 (b) the department shall revoke or refuse to issue the card if the individual is convicted
640 under state or federal law of:

641 (i) a felony; or

642 (ii) after December 3, 2018, a misdemeanor for drug distribution.

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

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

647 (i) is eligible for a cannabis production establishment registration card under this

648 section;

649 (ii) certifies to the department in a renewal application that the information in

650 Subsection (4)(a) is accurate or updates the information; and

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

652 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section
653 63J-1-504; and

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

656 Section 7. Section 4-41a-302 is amended to read:

657 **4-41a-302. Cannabis production establishment agent registration card --**

658 **Rebuttable presumption.**

659 (1) A cannabis production establishment agent whom the department registers under
660 Section 4-41a-301 shall carry the individual's cannabis production establishment agent
661 registration card with the agent at all times when:

662 (a) the agent is on the premises of a cannabis production establishment where the agent
663 is registered;

664 (b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in
665 a medicinal dosage form, or a medical cannabis device between:

666 (i) two cannabis production establishments; or

667 (ii) a cannabis production establishment and~~[(A)]~~ a medical cannabis pharmacy; ~~[or]~~

668 and

669 ~~[(B) the state central fill medical cannabis pharmacy; and]~~

670 (c) if the cannabis production establishment agent is an agent of a cannabis
671 ~~[cultivating]~~ cultivation facility, the agent is transporting raw cannabis plants to a cannabis
672 processing facility or an independent cannabis testing laboratory.

673 (2) If a cannabis processing facility agent possesses cannabis in a medicinal dosage
674 form, a cannabis product in a medicinal dosage form, or a medical cannabis device and
675 produces the registration card in the agent's possession in compliance with Subsection (1)
676 while handling, at a cannabis production establishment, or transporting the cannabis, cannabis
677 product, or medical cannabis device in compliance with Subsection (1):

678 (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis

679 product, or medical cannabis device legally; and

680 (b) a law enforcement officer does not have probable cause, based solely on the agent's
681 possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage
682 form, or medical cannabis device in compliance with Subsection (1), to believe that the
683 individual is engaging in illegal activity.

684 (3) (a) A cannabis production establishment agent who fails to carry the agent's
685 cannabis production establishment agent registration card in accordance with Subsection (1) is:

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

687 (A) guilty of an infraction; and

688 (B) subject to a \$100 fine; or

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

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

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

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

694 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
695 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine
696 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
697 Administrative Rulemaking Act.

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

701 Section 8. Section ~~4-41a-403~~ is amended to read:

702 **4-41a-403. Advertising.**

703 (1) ~~[A]~~ Except as provided in Subsection (2), (3), or (4), a cannabis production
704 establishment may not advertise to the general public in any medium.

705 (2) ~~[Notwithstanding Subsection (1), a]~~ A cannabis production establishment may
706 advertise an employment opportunity at the cannabis production [facility] establishment.

707 (3) A cannabis production establishment may maintain a website that:

708 (a) contains information about the establishment and employees; and

709 (b) does not advertise any medical cannabis, cannabis products, or medical cannabis

710 devices.

711 (4) Notwithstanding any municipal or county ordinance prohibiting signage, a cannabis
712 production establishment may use signage on the outside of the cannabis production
713 establishment that:

714 (a) includes only:

715 (i) the cannabis production establishment's name and hours of operation; and

716 (ii) a green cross;

717 (b) does not exceed four feet by five feet in size; and

718 (c) complies with local ordinances regulating signage.

719 Section 9. Section **4-41a-404** is amended to read:

720 **4-41a-404. Cannabis, cannabis product, or medical cannabis device**
721 **transportation.**

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

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

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

728 (b) Only an agent of a cannabis [~~cultivating~~] cultivation facility, when the agent is
729 transporting cannabis plants to a cannabis processing facility or an independent cannabis
730 testing laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.

731 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter
732 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment shall
733 possess a transportation manifest that:

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

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

738 (c) identifies the departure and arrival times and locations of the individual
739 transporting the cannabis, cannabis product, or medical cannabis device.

740 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may

741 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
742 Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a
743 medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis
744 product, or medical cannabis device remains safe for human consumption.

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

746 (i) between a cannabis cultivation facility and:

747 (A) another cannabis cultivation facility; or

748 (B) a cannabis processing facility; and

749 (ii) between a cannabis processing facility and:

750 (A) another cannabis processing facility;

751 (B) an independent cannabis testing laboratory; or

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

753 ~~[(D) the state central fill medical cannabis pharmacy.]~~

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

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

758 (i) guilty of an infraction; and

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

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

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

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

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

769 (5) Nothing in this section prevents the department from taking administrative
770 enforcement action against a cannabis production establishment or another person for failing to
771 make a transport in compliance with the requirements of this section.

772 Section 10. Section ~~4-41a-406~~ is amended to read:

773 **4-41a-406. Local control.**

774 (1) As used in this section:

775 (a) "Land use decision" means the same as that term is defined in Sections [10-9a-103](#)
776 and [17-27a-103](#).

777 (b) "Land use permit" means the same as that term is defined in Sections [10-9a-103](#)
778 and [17-27a-103](#).

779 (c) "Land use regulation" means the same as that term is defined in Sections [10-9a-103](#)
780 and [17-27a-103](#).

781 ~~[(1)]~~ (2) (a) If a municipality's or county's zoning ordinances provide for an industrial
782 zone, ~~[the municipality or county shall ensure that the ordinances allow for cannabis~~
783 production establishments in at least one type of industrial zone.] the operation of a cannabis
784 production establishment shall be a permitted industrial use in any industrial zone unless the
785 municipality or county has designated by ordinance, before an individual submits a land use
786 permit application for a cannabis production establishment, at least one industrial zone in
787 which the operation of a cannabis production establishment is a permitted use.

788 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone,
789 ~~[the municipality or county shall ensure that the ordinances allow for cannabis production~~
790 establishments in at least one type of agricultural zone.] the operation of a cannabis production
791 establishment shall be a permitted agricultural use in any agricultural zone unless the
792 municipality or county has designated by ordinance, before an individual submits a land use
793 permit application for a cannabis production establishment, at least one agricultural zone in
794 which the operation of a cannabis production establishment is a permitted use.

795 (c) The operation of a cannabis production establishment shall be a permitted use on
796 land that the municipality or county has not zoned.

797 ~~[(2)(a)]~~ (3) A municipality or county may not ~~[deny or revoke a land use permit to~~
798 operate a cannabis production facility].

799 (a) on the sole basis that the applicant or cannabis production establishment violates
800 federal law regarding the legal status of cannabis~~[- (b) A municipality or county may not],~~
801 deny or revoke;

802 (i) a land use permit to operate a cannabis production facility; or

803 (ii) a business license to operate a cannabis production facility [on the sole basis that
804 the applicant or cannabis production establishment violates federal law regarding the legal
805 status of cannabis.];

806 (b) require a certain distance between a cannabis production establishment and:

807 (i) another cannabis production establishment;

808 (ii) a medical cannabis pharmacy;

809 (iii) a retail tobacco specialty business, as that term is defined in Section [26-62-103](#); or

810 (iv) an outlet, as that term is defined in Section [32B-1-202](#); or

811 (c) enforce a land use regulation or land use decision against or impose a land use
812 restriction on a cannabis production establishment if the county or municipality does not also
813 enforce the land use regulation or land use decision against or impose the land use restriction
814 on:

815 (i) for a cannabis cultivation facility, a similar agricultural operation within the same
816 zone, subject to the land use regulations that apply in the underlying zone; or

817 (ii) for a cannabis processing facility or an independent testing laboratory, a similar
818 manufacturing operation within the same zone, subject to the land use regulations that apply in
819 the underlying zone.

820 (4) An applicant for a land use permit to operate a cannabis production establishment
821 shall comply with the land use requirements and application process described in:

822 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
823 including Section [10-9a-528](#); and

824 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,
825 including Section [17-27a-525](#).

826 Section 11. Section **4-41a-501** is amended to read:

827 **4-41a-501. Cannabis cultivation facility -- Operating requirements.**

828 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the
829 cannabis cultivation facility is not visible from the ground level of the cannabis cultivation
830 facility perimeter.

831 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
832 cannabis cultivation facility's inventory control system to identify:

833 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each

834 cannabis plant;

835 (b) each unique harvest of cannabis plants;

836 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, [~~the~~
837 ~~state central fill medical cannabis pharmacy,~~] a cannabis processing facility, or an independent

838 cannabis testing laboratory; and

839 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis
840 cultivation facility disposes.

841 Section 12. Section ~~4-41a-701~~ is amended to read:

842 **~~4-41a-701. Cannabis and cannabis product testing.~~**

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

848 (2) A cannabis processing facility may not offer any cannabis or cannabis products for
849 sale to a medical cannabis pharmacy [~~or the state central fill medical cannabis pharmacy,~~] and a
850 medical cannabis pharmacy [~~and the state central fill medical cannabis pharmacy~~] may not
851 offer any cannabis or cannabis product for sale unless an independent cannabis testing
852 laboratory has tested a representative sample of the cannabis or cannabis product to determine:

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

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

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

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

863 (3) By rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
864 Act, the department:

865 (a) may determine the amount of any substance described in Subsections (2)(b) and (c)
866 that is safe for human consumption; and

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

869 (4) The department may require testing for a toxin if:

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

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

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

876 (6) The department may require an independent cannabis testing laboratory to
877 participate in a proficiency evaluation that the department conducts or that an organization that
878 the department approves conducts.

879 Section 13. Section **4-41a-901** is enacted to read:

880 **4-41a-901. Academic medical cannabis research -- License.**

881 (1) A medical cannabis research licensee may, subject to department rules described in
882 Subsection (4), obtain from a cannabis production establishment, and possess, cannabis for
883 academic medical cannabis research.

884 (2) The department shall license a research university to obtain and possess cannabis
885 for the purpose of academic medical cannabis research if the research university submits to the
886 department:

887 (a) the location where the research university intends to conduct the research;

888 (b) the research university's research plan; and

889 (c) the name of the employee of the research university who will:

890 (i) supervise the obtaining of cannabis;

891 (ii) be responsible to possess and secure the cannabis; and

892 (iii) oversee the academic research.

893 (3) The department shall maintain a list of each medical cannabis research licensee.

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

896 (a) establish requirements for a licensee to:
 897 (i) participate in academic medical cannabis research;
 898 (ii) obtain from a cannabis production establishment, and possess, cannabis for
 899 academic medical cannabis research; and

900 (b) set sampling and testing procedures.

901 (5) A medical cannabis research licensee shall provide to the department written
 902 consent allowing a representative of the department and local law enforcement to enter all
 903 premises where the licensee possesses or stores cannabis for the purpose of:

904 (a) conducting a physical inspection; or

905 (b) ensuring compliance with the requirements of this chapter.

906 (6) An individual who has been convicted of a drug related felony within the last 10
 907 years may not obtain, possess, or conduct any research on cannabis under a medical cannabis
 908 research licensee's license under this part.

909 (7) The department may set a fee, in accordance with Subsection 4-2-103(2), for the
 910 application for a medical cannabis research license.

911 Section 14. Section **4-41a-902** is enacted to read:

912 **4-41a-902. Cannabis production establishment product for academic research.**

913 A cannabis production establishment may sell cannabis and cannabis products to a
 914 medical cannabis research licensee for the purpose of academic research.

915 Section 15. Section **4-41a-903** is enacted to read:

916 **4-41a-903. Unlawful acts.**

917 (1) It is unlawful for a person who is not operating under the license of a medical
 918 cannabis research licensee to obtain or possess cannabis for academic medical cannabis
 919 research.

920 (2) It is unlawful for a cannabis production establishment to offer, sell, or otherwise
 921 provide cannabis or cannabis products for the purpose of academic research to an entity that is
 922 not a medical cannabis research licensee.

923 (3) The department may seize from a medical cannabis research licensee and destroy
 924 cannabis or cannabis products that do not comply with this chapter.

925 Section 16. Section **10-9a-528** is enacted to read:

926 **10-9a-528. Cannabis production establishments and medical cannabis**

927 **pharmacies.**

928 (1) As used in this section:

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

931 (b) "Medical cannabis pharmacy" means the same as that term is defined in Section
932 [26-61a-102](#).

933 (2) (a) (i) A municipality may not regulate a cannabis production establishment in
934 conflict with:

935 (A) Title 4, Chapter 41a, Cannabis Production Establishments, and applicable
936 jurisprudence; and

937 (B) this chapter.

938 (ii) A municipality may not regulate a medical cannabis pharmacy in conflict with:

939 (A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;

940 and

941 (B) this chapter.

942 (b) The Department of Agriculture and Food has plenary authority to license programs
943 or entities that operate a cannabis production establishment.

944 (c) The Department of Health has plenary authority to license programs or entities that
945 operate a medical cannabis pharmacy.

946 (3) (a) Within the time period described in Subsection (3)(b), a municipality shall
947 prepare and adopt a land use regulation, development agreement, or land use decision in
948 accordance with this title and:

949 (i) regarding a cannabis production establishment, Section [4-41a-406](#); or

950 (ii) regarding a medical cannabis pharmacy, Section [26-61a-507](#).

951 (b) A municipality shall take the action described in Subsection (3)(a):

952 (i) before January 1, 2021, within 45 days after the day on which the municipality
953 receives a petition for the action; and

954 (ii) after January 1, 2021, in accordance with Subsection [10-9a-509.5\(2\)](#).

955 Section 17. Section **15A-5-103** is amended to read:

956 **15A-5-103. Nationally recognized codes incorporated by reference.**

957 The following codes are incorporated by reference into the State Fire Code:

958 (1) the International Fire Code, 2018 edition, excluding appendices, as issued by the
959 International Code Council, Inc., except as amended by Part 2, Statewide Amendments and
960 Additions to International Fire Code Incorporated as Part of State Fire Code;

961 (2) National Fire Protection Association, NFPA 96, Standard for Ventilation Control
962 and Fire Protection of Commercial Cooking Operations, 2017 edition, except as amended by
963 Part 3, Amendments and Additions to National Fire Protection Association Incorporated as
964 Part of State Fire Code; ~~and~~

965 (3) National Fire Protection Association, NFPA 1403, Standard on Live Fire Training
966 Evolutions, 2012 edition, except as amended by Part 3, Amendments and Additions to National
967 Fire Protection Association Incorporated as Part of State Fire Code~~[-];~~ and

968 (4) National Fire Protection Association, NFPA 1, Chapter 38, Marijuana Growing,
969 Processing, and Extraction Facilities, 2018 edition.

970 Section 18. Section **17-27a-525** is enacted to read:

971 **17-27a-525. Cannabis production establishments and medical cannabis**
972 **pharmacies.**

973 (1) As used in this section:

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

976 (b) "Medical cannabis pharmacy" means the same as that term is defined in Section
977 [26-61a-102](#).

978 (2) (a) (i) A county may not regulate a cannabis production establishment in conflict
979 with:

980 (A) Title 4, Chapter 41a, Cannabis Production Establishments, and applicable
981 jurisprudence; and

982 (B) this chapter.

983 (ii) A county may not regulate a medical cannabis pharmacy in conflict with:

984 (A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;
985 and

986 (B) this chapter.

987 (b) The Department of Agriculture and Food has plenary authority to license programs
988 or entities that operate a cannabis production establishment.

989 (c) The Department of Health has plenary authority to license programs or entities that
990 operate a medical cannabis pharmacy.

991 (3) (a) Within the time period described in Subsection (3)(b), a county shall prepare
992 and adopt a land use regulation, development agreement, or land use decision in accordance
993 with this title and:

994 (i) regarding a cannabis production establishment, Section [4-41a-406](#); or

995 (ii) regarding a medical cannabis pharmacy, Section [26-61a-507](#).

996 (b) A county shall take the action described in Subsection (3)(a):

997 (i) before January 1, 2021, within 45 days after the day on which the county receives a
998 petition for the action; and

999 (ii) after January 1, 2021, in accordance with Subsection [10-9a-509.5\(2\)](#).

1000 Section 19. Section **26-61a-102** is amended to read:

1001 **26-61a-102. Definitions.**

1002 As used in this chapter:

1003 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single
1004 dose of cannabis or a cannabis product in a blister pack.

1005 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each
1006 containing no more than a single dose of cannabis or a cannabis product.

1007 (3) "Cannabis" means marijuana.

1008 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
1009 [4-41a-102](#).

1010 (5) "Cannabis processing facility" means the same as that term is defined in Section
1011 [4-41a-102](#).

1012 (6) "Cannabis product" means a product that:

1013 (a) is intended for human use; and

1014 (b) contains cannabis or tetrahydrocannabinol.

1015 (7) "Cannabis production establishment" means the same as that term is defined in
1016 Section [4-41a-102](#).

1017 [~~(7)~~] (8) "Cannabis production establishment agent" means the same as that term is
1018 defined in Section [4-41a-102](#).

1019 [~~(8)~~] (9) "Cannabis production establishment agent registration card" means the same

1020 as that term is defined in Section [4-41a-102](#).

1021 ~~[(9)]~~ (10) "Community location" means a public or private school, a church, a public
1022 library, a public playground, or a public park.

1023 ~~[(10)]~~ (11) "Department" means the Department of Health.

1024 ~~[(11)]~~ (12) "Designated caregiver" means an individual:

1025 (a) whom an individual with a medical cannabis patient card or a medical cannabis
1026 guardian card designates as the patient's caregiver; and

1027 (b) who registers with the department under Section [26-61a-202](#).

1028 ~~[(12)]~~ (13) "Dosing parameters" means quantity, routes, and frequency of
1029 administration for a recommended treatment of cannabis in a medicinal dosage form or a
1030 cannabis product in a medicinal dosage form.

1031 (14) "Financial institution" means a bank, trust company, savings institution, or credit
1032 union, chartered and supervised under state or federal law.

1033 (15) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
1034 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
1035 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
1036 state central patient portal facilitates.

1037 ~~[(13)]~~ (16) "Independent cannabis testing laboratory" means the same as that term is
1038 defined in Section [4-41a-102](#).

1039 ~~[(14)]~~ (17) "Inventory control system" means the system described in Section
1040 [4-41a-103](#).

1041 ~~[(15)]~~ "Local health department" means the same as that term is defined in Section
1042 [26A-1-102](#).]

1043 ~~[(16)]~~ "Local health department distribution agent" means an agent designated and
1044 registered to distribute state central fill shipments under Sections [26-61a-606](#) and [26-61a-607](#).]

1045 ~~[(17)]~~ (18) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

1046 ~~[(18)]~~ (19) "Medical cannabis" means cannabis in a medicinal dosage form or a
1047 cannabis product in a medicinal dosage form.

1048 ~~[(19)]~~ (20) "Medical cannabis card" means a medical cannabis patient card, a medical
1049 cannabis guardian card, or a medical cannabis caregiver card.

1050 ~~[(20)]~~ (21) "Medical cannabis cardholder" means a holder of a medical cannabis card.

1051 ~~[(21)]~~ (22) "Medical cannabis caregiver card" means an ~~[official]~~ electronic document
1052 that a cardholder may print or store on an electronic device or a physical card or document that:

1053 (a) the department issues to an individual whom a medical cannabis patient cardholder
1054 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1055 (b) is connected to the electronic verification system.

1056 ~~[(22)]~~ (23) "Medical cannabis courier" means a courier that:

1057 (a) the department licenses in accordance with Section [26-61a-604](#); and

1058 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
1059 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

1060 ~~[(22)]~~ (24) (a) "Medical cannabis device" means a device that an individual uses to
1061 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
1062 dosage form.

1063 (b) "Medical cannabis device" does not include a device that:

1064 (i) facilitates cannabis combustion; or

1065 (ii) an individual uses to ingest substances other than cannabis.

1066 ~~[(23)]~~ (25) "Medical cannabis guardian card" means an ~~[official]~~ electronic document
1067 that a cardholder may print or store on an electronic device or a physical card or document that:

1068 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1069 condition; and

1070 (b) is connected to the electronic verification system.

1071 ~~[(24)]~~ (26) "Medical cannabis patient card" means an ~~[official]~~ electronic document
1072 that a cardholder may print or store on an electronic device or a physical card or document that:

1073 (a) the department issues to an individual with a qualifying condition; and

1074 (b) is connected to the electronic verification system.

1075 ~~[(25)]~~ (27) "Medical cannabis pharmacy" means a person that:

1076 (a) (i) acquires or intends to acquire:

1077 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
1078 form from a cannabis processing facility; or

1079 (B) a medical cannabis device; or

1080 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
1081 dosage form, or a medical cannabis device; and

1082 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a
1083 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

1084 ~~[(26)]~~ (28) "Medical cannabis pharmacy agent" means an individual who:

1085 (a) is an employee of a medical cannabis pharmacy; and

1086 (b) who holds a valid medical cannabis pharmacy agent registration card.

1087 ~~[(27)]~~ (29) "Medical cannabis pharmacy agent registration card" means a registration
1088 card issued by the department that authorizes an individual to act as a medical cannabis
1089 pharmacy agent.

1090 (30) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
1091 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
1092 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
1093 cannabis order that the state central patient portal facilitates.

1094 ~~[(28)]~~ (31) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
1095 cannabis product in a medicinal dosage form, or a medical cannabis device.

1096 ~~[(29)]~~ (32) (a) "Medicinal dosage form" means:

1097 (i) for processed medical cannabis or a medical cannabis product, the following with a
1098 specific and consistent cannabinoid content:

1099 (A) a tablet;

1100 (B) a capsule;

1101 (C) a concentrated oil;

1102 (D) a liquid suspension;

1103 (E) a topical preparation;

1104 (F) a transdermal preparation;

1105 (G) a sublingual preparation;

1106 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1107 rectangular cuboid shape; or

1108 (I) for use only after the individual's qualifying condition has failed to substantially
1109 respond to at least two other forms described in this Subsection ~~[(29)]~~ (32)(a)(i), a resin or
1110 wax;

1111 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:

1112 (A) containing a specific and consistent weight that does not exceed one gram and that

- 1113 varies by no more than 10% from the stated weight; and
- 1114 (B) after December 31, 2020, labeled with a barcode that provides information
- 1115 connected to an inventory control system and the individual blister's content and weight; and
- 1116 (iii) a form measured in grams, milligrams, or milliliters.
- 1117 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1118 (i) the medical cannabis cardholder has recently removed from the blister pack
- 1119 described in Subsection ~~[(29)]~~ (32)(a)(ii) for use; and
- 1120 (ii) does not exceed the quantity described in Subsection ~~[(29)]~~ (32)(a)(ii).
- 1121 (c) "Medicinal dosage form" does not include:
- 1122 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in
- 1123 Subsection ~~[(29)]~~ (32)(b); or
- 1124 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
- 1125 on a nail or other metal object that is heated by a flame, including a blowtorch.
- 1126 (33) "Payment provider" means an entity that contracts with a cannabis production
- 1127 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
- 1128 establishment or pharmacy and other businesses or individuals.
- 1129 ~~[(30)]~~ (34) "Pharmacy medical provider" means the medical provider required to be on
- 1130 site at a medical cannabis pharmacy under Section [26-61a-403](#).
- 1131 ~~[(31)]~~ (35) "Provisional patient card" means a card that:
- 1132 (a) the department issues to a minor with a qualifying condition for whom:
- 1133 (i) a qualified medical provider has recommended a medical cannabis treatment; and
- 1134 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1135 legal guardian; and
- 1136 (b) is connected to the electronic verification system.
- 1137 ~~[(32)]~~ (36) "Qualified medical provider" means an individual who is qualified to
- 1138 recommend treatment with cannabis in a medicinal dosage form under Section [26-61a-106](#).
- 1139 ~~[(33)] "Qualified Distribution Enterprise Fund" means the enterprise fund created in~~
- 1140 ~~Section [26-61a-110](#);~~
- 1141 ~~[(34)]~~ (37) "Qualified Patient Enterprise Fund" means the enterprise fund created in
- 1142 Section [26-61a-109](#).
- 1143 ~~[(35)]~~ (38) "Qualifying condition" means a condition described in Section [26-61a-104](#).

1144 ~~[(36) "State central fill agent" means an employee of the state central fill medical~~
1145 ~~cannabis pharmacy that the department registers in accordance with Section [26-61a-602](#).]~~

1146 ~~[(37) "State central fill medical cannabis pharmacy" means the central fill pharmacy~~
1147 ~~that the department creates in accordance with Section [26-61a-601](#).]~~

1148 (39) "State central patient portal" means the website the department creates, in
1149 accordance with Section [26-61a-601](#), to facilitate patient safety, education, and an electronic
1150 medical cannabis order.

1151 ~~[(38)]~~ (40) "State central ~~[fill medical provider]~~ patient portal medical provider" means
1152 a physician or pharmacist that the ~~[state central fill medical cannabis pharmacy]~~ department
1153 employs in relation to the state central patient portal to consult with medical cannabis
1154 cardholders in accordance with Section ~~[[26-61a-601](#)]~~ [26-61a-602](#).

1155 ~~[(39) "State central fill shipment" means a shipment of cannabis in a medicinal dosage~~
1156 ~~form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state~~
1157 ~~central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis~~
1158 ~~cardholder in a local health department.]~~

1159 ~~[(40)]~~ (41) "State electronic verification ~~[system]~~" means the system described in Section
1160 [26-61a-103](#).

1161 (42) "Valid form of photo identification" means a valid United States federal- or
1162 state-issued photo identification, including:

1163 (a) a driver license;

1164 (b) a United States passport;

1165 (c) a United States passport card; or

1166 (d) a United States military identification card.

1167 Section 20. Section **26-61a-103** is amended to read:

1168 **26-61a-103. Electronic verification system.**

1169 (1) The Department of Agriculture and Food, the department, the Department of Public
1170 Safety, and the Department of Technology Services shall:

1171 (a) enter into a memorandum of understanding in order to determine the function and
1172 operation of the state electronic verification system in accordance with Subsection (2);

1173 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1174 Procurement Code, to develop a request for proposals for a third-party provider to develop and

1175 maintain the state electronic verification system in coordination with the Department of
1176 Technology Services; and

1177 (c) select a third-party provider who:

1178 (i) meets the requirements contained in the request for proposals issued under
1179 Subsection (1)(b); and

1180 (ii) may not have any commercial or ownership interest in a cannabis production
1181 establishment or a medical cannabis pharmacy.

1182 (2) The Department of Agriculture and Food, the department, the Department of Public
1183 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
1184 2020, the state electronic verification system described in Subsection (1):

1185 (a) allows an individual, with the individual's qualified medical provider in the qualified
1186 medical provider's office, to apply for a medical cannabis patient card or, if applicable, a
1187 medical cannabis guardian card;

1188 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1189 cannabis guardian card in accordance with Section 26-61a-201;

1190 (c) allows a qualified medical provider to:

1191 (i) access dispensing and card status information regarding a patient:

1192 (A) with whom the qualified medical provider has a provider-patient relationship; and
1193 (B) for whom the qualified medical provider has recommended or is considering
1194 recommending a medical cannabis card;

1195 (ii) electronically recommend, during a visit with a patient, treatment with cannabis in a
1196 medicinal dosage form or a cannabis product in a medicinal dosage form and optionally
1197 recommend dosing parameters;

1198 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
1199 medical cannabis guardian cardholder:

1200 (A) for the qualified medical provider who originally recommended a medical cannabis
1201 treatment, as that term is defined in Section 26-61a-102, using telehealth services; or
1202 (B) for a qualified medical provider who did not originally recommend the medical
1203 cannabis treatment, during a face-to-face visit with a patient; and

1204 [~~(iv) at the request of a medical cannabis cardholder, initiate a state central fill~~
1205 ~~shipment in accordance with Section 26-61a-603;~~]

1206 (iv) notate a determination of physical difficulty or undue hardship, described in
1207 Subsection 26-61a-202(1), to qualify a patient to designate a caregiver;

1208 (d) connects with:

1209 (i) an inventory control system that a medical cannabis pharmacy [~~and the state central~~
1210 ~~fill medical cannabis pharmacy use~~] uses to track in real time and archive purchases of any
1211 cannabis in a medicinal dosage form, cannabis product in a medicinal dosage form, or a
1212 medical cannabis device, including:

1213 (A) the time and date of each purchase;

1214 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
1215 purchased;

1216 (C) any cannabis production establishment, any medical cannabis pharmacy, or [~~the~~
1217 ~~state central fill~~] any medical cannabis [~~pharmacy~~] courier associated with the cannabis,
1218 cannabis product, or medical cannabis device; and

1219 (D) the personally identifiable information of the medical cannabis cardholder who
1220 made the purchase; and

1221 (ii) any commercially available inventory control system that a cannabis production
1222 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
1223 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
1224 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
1225 track and confirm compliance;

1226 (e) provides access to:

1227 (i) the department to the extent necessary to carry out the department's functions and
1228 responsibilities under this chapter;

1229 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1230 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
1231 41a, Cannabis Production Establishments; and

1232 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
1233 carry out the functions and responsibilities related to the participation of the following in the
1234 recommendation and dispensing of medical cannabis:

1235 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1236 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse

1237 Practice Act;

1238 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1239 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1240 (D) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1241 Assistant Act;

1242 (f) provides access to and interaction with the state central [~~fill medical cannabis~~
1243 ~~pharmacy, state central fill agents, and local health department distribution agents, to facilitate~~
1244 ~~the state central fill shipment process~~] patient portal;

1245 (g) provides access to state or local law enforcement:

1246 (i) during a traffic stop for the purpose of determining if the individual subject to the
1247 traffic stop is in compliance with state medical cannabis law; or

1248 (ii) after obtaining a warrant; and

1249 (h) creates a record each time a person accesses the database that identifies the person
1250 who accesses the database and the individual whose records the person accesses.

1251 (3) The department may release [~~de-identified~~] limited data that the system collects for
1252 the purpose of:

1253 (a) conducting medical and other department approved research; [~~and~~]

1254 (b) providing the report required by Section 26-61a-703[~~-~~]; and

1255 other official department purposes.

1256 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1257 Administrative Rulemaking Act, to establish:

1258 (a) the limitations on access to the data in the state electronic verification system as
1259 described in this section; and

1260 (b) standards and procedures to ensure accurate identification of an individual
1261 requesting information or receiving information in this section.

1262 (5) (a) Any person who knowingly and intentionally releases any information in the
1263 state electronic verification system in violation of this section is guilty of a third degree felony.

1264 (b) Any person who negligently or recklessly releases any information in the state
1265 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1266 (6) (a) Any person who obtains or attempts to obtain information from the state
1267 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1268 (b) Any person who obtains or attempts to obtain information from the state electronic
1269 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
1270 degree felony.

1271 (7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and
1272 intentionally use, release, publish, or otherwise make available to any other person information
1273 obtained from the state electronic verification system for any purpose other than a purpose
1274 specified in this section.

1275 (b) Each separate violation of this Subsection (7) is:

1276 (i) a third degree felony; and

1277 (ii) subject to a civil penalty not to exceed \$5,000.

1278 (c) The department shall determine a civil violation of this Subsection (7) in
1279 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1280 (d) Civil penalties assessed under this Subsection (7) shall be deposited into the
1281 General Fund.

1282 (e) This Subsection (7) does not prohibit a person who obtains information from the
1283 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1284 (i) including the information in the person's medical chart or file for access by a person
1285 authorized to review the medical chart or file;

1286 (ii) providing the information to a person in accordance with the requirements of the
1287 Health Insurance Portability and Accountability Act of 1996; or

1288 (iii) discussing or sharing that information about the patient with the patient.

1289 Section 21. Section **26-61a-106** is amended to read:

1290 **26-61a-106. Qualified medical provider registration -- Continuing education --**
1291 **Treatment recommendation.**

1292 (1) (a) Except as provided in Subsection (1)(b), an individual may not recommend a
1293 medical cannabis treatment unless the department registers the individual as a qualified
1294 medical provider in accordance with this section.

1295 (b) An individual who meets the qualifications in Subsections **26-61a-106(2)(a)(iii)**
1296 and (iv) may recommend a medical cannabis treatment without registering under Subsection
1297 (1)(a) until January 1, 2021.

1298 (2) (a) The department shall, within 15 days after the day on which the department

- 1299 receives an application from an individual, register and issue a qualified medical provider
1300 registration card to the individual if the individual:
- 1301 (i) provides to the department the individual's name and address;
- 1302 (ii) provides to the department a report detailing the individual's completion of the
1303 applicable continuing education requirement described in Subsection (3);
- 1304 (iii) provides to the department evidence that the individual:
- 1305 (A) has the authority to write a prescription;
- 1306 (B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1307 Controlled Substances Act; and
- 1308 (C) possesses the authority, in accordance with the individual's scope of practice, to
1309 prescribe a Schedule II controlled substance;
- 1310 (iv) provides to the department evidence that the individual is:
- 1311 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1312 Practice Act;
- 1313 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1314 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1315 (C) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
1316 Act, whose declaration of services agreement, as that term is defined in Section [58-70a-102](#),
1317 includes the recommending of medical cannabis, and whose supervising physician is a
1318 qualified medical provider; and
- 1319 (v) pays the department a fee in an amount that:
- 1320 (A) the department sets, in accordance with Section [63J-1-504](#); and
- 1321 (B) does not exceed \$300 for an initial registration.
- 1322 (b) The department may not register an individual as a qualified medical provider if the
1323 individual is:
- 1324 (i) a pharmacy medical provider [~~or a state central fill medical provider~~]; or
- 1325 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
1326 production establishment [~~or~~], a medical cannabis pharmacy, or a medical cannabis courier.
- 1327 (3) (a) An individual shall complete the continuing education described in this
1328 Subsection (3) in the following amounts:
- 1329 (i) for an individual as a condition precedent to registration, four hours; and

1330 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
1331 every two years.

1332 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

1333 (i) complete continuing education:

1334 (A) regarding the topics described in Subsection (3)(d); and

1335 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1336 continuing education provider that the department recognizes as offering continuing education
1337 appropriate for the recommendation of cannabis to patients; and

1338 (ii) make a continuing education report to the department in accordance with a process
1339 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1340 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
1341 Professional Licensing and:

1342 (A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1343 Nurse Practice Act, the Board of Nursing;

1344 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
1345 Practice Act, the Physicians Licensing Board;

1346 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
1347 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
1348 and

1349 (D) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1350 Assistant Act, the Physician Assistant Licensing Board.

1351 (c) The department may, in consultation with the Division of Occupational and
1352 Professional Licensing, develop the continuing education described in this Subsection (3).

1353 (d) The continuing education described in this Subsection (3) may discuss:

1354 (i) the provisions of this chapter;

1355 (ii) general information about medical cannabis under federal and state law;

1356 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1357 including risks and benefits;

1358 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1359 patient in pain management, risk management, potential addiction, or palliative care; and

1360 (v) best practices for recommending the form and dosage of medical cannabis products

1361 based on the qualifying condition underlying a medical cannabis recommendation.

1362 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may
1363 not recommend a medical cannabis treatment to more than 175 of the qualified medical
1364 provider's patients at the same time, as determined by the number of medical cannabis cards
1365 under the qualified medical provider's name in the state electronic verification system.

1366 (b) Except as provided in Subsection (4)(c), a qualified medical provider may
1367 recommend a medical cannabis treatment to up to 300 of the qualified medical provider's
1368 patients at any given time, as determined by the number of medical cannabis cards under the
1369 qualified medical provider's name in the state electronic verification system, if:

1370 (i) the appropriate American medical board has certified the qualified medical provider
1371 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
1372 palliative medicine, physical medicine and rehabilitation, rheumatology, or psychiatry; or

1373 (ii) a licensed business employs or contracts with the qualified medical provider for the
1374 specific purpose of providing hospice and palliative care.

1375 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in
1376 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for
1377 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of
1378 100 patients per authorization, not to exceed three authorizations.

1379 (ii) The Division of Occupational and Professional Licensing shall grant the
1380 authorization described in Subsection (4)(c)(i) if:

1381 (A) the petitioning qualified medical provider pays a \$100 fee;

1382 (B) the division performs a review that includes the qualified medical provider's
1383 medical cannabis recommendation activity in the state electronic verification system, relevant
1384 information related to patient demand, and any patient medical records that the division
1385 determines would assist in the division's review; and

1386 (C) after the review described in this Subsection (4)(c)(ii), the division determines that
1387 granting the authorization would not adversely affect public safety, adversely concentrate the
1388 overall patient population among too few qualified medical providers, or adversely concentrate
1389 the use of medical cannabis among the provider's patients.

1390 (5) A qualified medical provider may recommend medical cannabis to an individual
1391 under this chapter only in the course of a qualified medical provider-patient relationship after

1392 the qualifying medical provider has completed and documented in the patient's medical record
1393 a thorough assessment of the patient's condition and medical history based on the appropriate
1394 standard of care for the patient's condition.

1395 (6) (a) Except as provided in Subsection (6)(b), a qualified medical provider may not
1396 advertise that the qualified medical provider recommends medical cannabis treatment.

1397 (b) For purposes of Subsection (6)(a), the communication of the following, through a
1398 website does not constitute advertising:

1399 (i) a green cross;

1400 (ii) a qualifying condition that the qualified medical provider treats; or

1401 (iii) a scientific study regarding medical cannabis use.

1402 (7) (a) A qualified medical provider registration card expires two years after the day on
1403 which the department issues the card.

1404 (b) The department shall renew a qualified medical provider's registration card if the
1405 provider:

1406 (i) applies for renewal;

1407 (ii) is eligible for a qualified medical provider registration card under this section,
1408 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

1409 (iii) certifies to the department in a renewal application that the information in
1410 Subsection (2)(a) is accurate or updates the information;

1411 (iv) submits a report detailing the completion of the continuing education requirement
1412 described in Subsection (3); and

1413 (v) pays the department a fee in an amount that:

1414 (A) the department sets, in accordance with Section [63J-1-504](#); and

1415 (B) does not exceed \$50 for a registration renewal.

1416 (8) The department may revoke the registration of a qualified medical provider who
1417 fails to maintain compliance with the requirements of this section.

1418 (9) A qualified medical provider may not receive any compensation or benefit for the
1419 qualified medical provider's medical cannabis treatment recommendation from:

1420 (a) a cannabis production establishment or an owner, officer, director, board member,
1421 employee, or agent of a cannabis production establishment;

1422 (b) a medical cannabis pharmacy or an owner, officer, director, board member,

1423 employee, or agent of a medical cannabis pharmacy; or

1424 (c) a qualified medical provider or pharmacy medical provider.

1425 Section 22. Section **26-61a-107** is amended to read:

1426 **26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No**
1427 **private right of action.**

1428 (1) An individual described in Subsection (2) is not subject to the following solely for
1429 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
1430 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
1431 United States Food and Drug Administration has not approved:

1432 (a) civil or criminal liability; or

1433 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
1434 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
1435 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
1436 Assistant Act.

1437 (2) The limitations of liability described in Subsection (1) apply to:

1438 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1439 Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1440 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed
1441 under Title 58, Chapter 70a, Utah Physician Assistant Act:

1442 (i) (A) whom the department has registered as a qualified medical provider; and

1443 (B) who recommends treatment with cannabis in a medicinal dosage form or a
1444 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or

1445 (ii) before January 1, 2021, who:

1446 (A) has the authority to write a prescription; and

1447 (B) recommends a medical cannabis treatment to a patient who has a qualifying
1448 condition; and

1449 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

1450 (i) whom the department has registered as a pharmacy medical provider [~~or a state~~
1451 ~~central fill medical provider~~]; and

1452 (ii) who dispenses, in a medical cannabis pharmacy [~~or the state central fill medical~~
1453 ~~cannabis pharmacy~~], treatment with cannabis in a medicinal dosage form or a cannabis product

1454 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

1455 (3) Nothing in this section or chapter reduces or in any way negates the duty of an
1456 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a
1457 patient:

1458 (a) who may have a qualifying condition; and

1459 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
1460 recommended or might consider recommending a treatment with cannabis or a cannabis
1461 product; or

1462 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
1463 dosing or dispensing of cannabis or a cannabis product.

1464 Section 23. Section **26-61a-109** is amended to read:

1465 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality.**

1466 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise
1467 Fund."

1468 (2) The fund created in this section is funded from:

1469 (a) money the department deposits into the fund under this chapter;

1470 (b) appropriations the Legislature makes to the fund; and

1471 (c) the interest described in Subsection (3).

1472 (3) Interest earned on the fund shall be deposited into the fund.

1473 (4) The department may only use money in the fund to fund the department's
1474 responsibilities under this chapter[~~except for the responsibilities described in Subsection~~
1475 ~~26-61a-110(4)~~].

1476 (5) The department shall set fees authorized under this chapter in amounts that the
1477 department anticipates are necessary, in total, to cover the department's cost to implement this
1478 chapter.

1479 Section 24. Section **26-61a-111** is amended to read:

1480 **26-61a-111. Nondiscrimination for medical care or government employment --**
1481 **Notice to prospective and current public employees.**

1482 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
1483 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
1484 product in a medicinal dosage form:

1485 (a) is considered the equivalent of the authorized use of any other medication used at
1486 the discretion of a physician; and

1487 (b) does not constitute the use of an illicit substance or otherwise disqualify an
1488 individual from needed medical care.

1489 (2) (a) Notwithstanding any other provision of law and except as provided in
1490 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
1491 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or
1492 political subdivision treats employee use of [~~opioids and opiates~~] prescribed controlled
1493 substances.

1494 (b) Subsection (2)(a) does not apply where the application of Subsection (2)(a) would
1495 jeopardize federal funding, a federal security clearance, or any other federal background
1496 determination required for the employee's position.

1497 (3) (a) (i) A state employer or a political subdivision employer shall take the action
1498 described in Subsection (3)(a)(ii) before:

1499 (A) giving to a current employee an assignment or duty that arises from or directly
1500 relates to an obligation under this chapter; or

1501 (B) hiring a prospective employee whose assignments or duties would include an
1502 assignment or duty that arises from or directly relates to an obligation under this chapter.

1503 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or
1504 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
1505 employee or prospective employee:

1506 (A) that the employee's or prospective employee's job duties may require the employee
1507 or prospective employee to engage in conduct which is in violation of the criminal laws of the
1508 United States; and

1509 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
1510 although the employee or prospective employee is entitled to the protections of Title 67,
1511 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
1512 carry out an assignment or duty that may be a violation of the criminal laws of the United
1513 States with respect to the manufacture, sale, or distribution of cannabis.

1514 (b) The Department of Human Resource Management shall create, revise, and publish
1515 the form of the notice described in Subsection (3)(a).

1516 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
1517 described in Subsection (3)(a) may not:

1518 (i) claim in good faith that the employee's actions violate or potentially violate the laws
1519 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

1520 (ii) refuse to carry out a directive that the employee reasonably believes violates the
1521 criminal laws of the United States with respect to the manufacture, sale, or distribution of
1522 cannabis.

1523 (d) An employer of an employee who has signed the notice described in Subsection
1524 (3)(a) may not take retaliatory action as defined in Section 67-19a-101 against a current
1525 employee who refuses to sign the notice described in Subsection (3)(a).

1526 Section 25. Section 26-61a-115 is enacted to read:

1527 **26-61a-115. Analogous to prescribed controlled substances.**

1528 When an employee, officer, or agent of the state or a political subdivision makes a
1529 finding, determination, or otherwise considers an individual's possession or use of cannabis, a
1530 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
1531 consider the individual's possession or use any differently than the lawful possession or use of
1532 any prescribed controlled substance, if the individual's possession or use complies with:

1533 (1) this chapter;

1534 (2) Title 4, Chapter 41a, Cannabis Production Establishments; or

1535 (3) Subsection 58-37-3.7(2) or (3).

1536 Section 26. Section 26-61a-201 is amended to read:

1537 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card**
1538 **application -- Fees -- Studies.**

1539 (1) On or before March 1, 2020, the department shall, within 15 days after the day on
1540 which an individual who satisfies the eligibility criteria in this section or Section 26-61a-202
1541 submits an application in accordance with this section or Section 26-61a-202:

1542 (a) issue a medical cannabis patient card to an individual described in Subsection
1543 (2)(a);

1544 (b) issue a medical cannabis guardian card to an individual described in Subsection
1545 (2)(b);

1546 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

- 1547 (d) issue a medical cannabis caregiver card to an individual described in Subsection
1548 [26-61a-202](#)(4).
- 1549 (2) (a) An individual is eligible for a medical cannabis patient card if:
- 1550 (i) (A) the individual is at least 21 years old; or
- 1551 (B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate
1552 use board under Section [26-61a-105](#), and the compassionate use board recommends department
1553 approval of the petition;
- 1554 (ii) the individual is a Utah resident;
- 1555 (iii) the individual's qualified medical provider recommends treatment with medical
1556 cannabis in accordance with Subsection (4);
- 1557 (iv) the individual signs an acknowledgment stating that the individual received the
1558 information described in Subsection (8); and
- 1559 (v) the individual pays to the department a fee in an amount that, subject to Subsection
1560 [26-61a-109](#)(5), the department sets in accordance with Section [63J-1-504](#).
- 1561 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:
- 1562 (A) is at least 18 years old;
- 1563 (B) is a Utah resident;
- 1564 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
1565 provider recommends a medical cannabis treatment, the individual petitions the compassionate
1566 use board under Section [26-61a-105](#), and the compassionate use board recommends department
1567 approval of the petition;
- 1568 (D) the individual signs an acknowledgment stating that the individual received the
1569 information described in Subsection (8);
- 1570 (E) pays to the department a fee in an amount that, subject to Subsection
1571 [26-61a-109](#)(5), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
1572 criminal background check described in Section [26-61a-203](#); and
- 1573 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
1574 offense under either state or federal law, unless the individual completed any imposed sentence
1575 six months or more before the day on which the individual applies for a medical cannabis
1576 guardian card.
- 1577 (ii) The department shall notify the Department of Public Safety of each individual that

1578 the department registers for a medical cannabis guardian card.

1579 (c) (i) A minor is eligible for a provisional patient card if:

1580 (A) the minor has a qualifying condition;

1581 (B) the minor's qualified medical provider recommends a medical cannabis treatment
1582 to address the minor's qualifying condition;

1583 (C) the minor's parent or legal guardian petitions the compassionate use board under
1584 Section [26-61a-105](#), and the compassionate use board recommends department approval of the
1585 petition; and

1586 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
1587 under Subsection (2)(b).

1588 (ii) The department shall automatically issue a provisional patient card to the minor
1589 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
1590 guardian card to the minor's parent or legal guardian.

1591 (3) (a) An individual who is eligible for a medical cannabis card described in
1592 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
1593 department:

1594 (i) through an electronic application connected to the state electronic verification
1595 system;

1596 (ii) with the recommending qualified medical provider while in the recommending
1597 qualified medical provider's office; and

1598 (iii) with information including:

1599 (A) the applicant's name, gender, age, and address;

1600 (B) the number of the applicant's valid form of photo identification [~~that is a valid~~
1601 ~~United States federal- or state-issued photo identification, including a driver license, a United~~
1602 ~~States passport, a United States passport card, or a United States military identification card];~~

1603 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
1604 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
1605 and

1606 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
1607 holds the associated medical cannabis guardian card.

1608 (b) The department shall ensure that a medical cannabis card the department issues

1609 under this section contains the information described in Subsection (3)(a)(iii).

1610 (c) (i) If a qualified medical provider determines that, because of age, illness, or
1611 disability, a medical cannabis patient cardholder requires assistance in administering the
1612 medical cannabis treatment that the qualified medical provider recommends, the qualified
1613 medical provider may indicate the cardholder's need in the state electronic verification system.

1614 (ii) If a qualified medical provider makes the indication described in Subsection
1615 (3)(c)(i):

1616 (A) the department shall add a label to the relevant medical cannabis patient card
1617 indicating the cardholder's need for assistance; and

1618 (B) any adult who is 21 years old or older and who is physically present with the
1619 cardholder at the time the cardholder needs to use the recommended medical cannabis
1620 treatment may handle the medical cannabis treatment and any associated medical cannabis
1621 device as needed to assist the cardholder in administering the recommended medical cannabis
1622 treatment, including in the event of an emergency medical condition under Subsection
1623 [26-61a-204\(2\)](#).

1624 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:

1625 (A) ingest or inhale medical cannabis;

1626 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
1627 of the immediate area where the cardholder is present or with an intent other than to provide
1628 assistance to the cardholder; or

1629 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
1630 the cardholder is not in the process of being dosed with medical cannabis.

1631 (4) To recommend a medical cannabis treatment to a patient or to renew a
1632 recommendation, a qualified medical provider shall:

1633 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
1634 a medicinal dosage form:

1635 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
1636 guardian's valid form of identification described in Subsection (3)(a);

1637 (ii) review any record related to the patient and, for a minor patient, the patient's parent
1638 or legal guardian in:

1639 (A) the state electronic verification system; and

1640 (B) the controlled substance database created in Section 58-37f-201; and
1641 (iii) consider the recommendation in light of the patient's qualifying condition and
1642 history of medical cannabis and controlled substance use; and
1643 (b) state in the qualified medical provider's recommendation that the patient:
1644 (i) suffers from a qualifying condition, including the type of qualifying condition; and
1645 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1646 product in a medicinal dosage form.
1647 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the
1648 department issues under this section is valid for the lesser of:
1649 (i) an amount of time that the qualified medical provider determines; or
1650 (ii) (A) for the first issuance, 30 days; or
1651 (B) for a renewal, six months.
1652 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1653 illness described in Section 26-61a-104 does not expire.
1654 (ii) The recommending qualified medical provider may revoke a recommendation that
1655 the provider made in relation to a terminal illness described in Section 26-61a-104 if the
1656 medical cannabis cardholder no longer has the terminal illness.
1657 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
1658 renewable if:
1659 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
1660 (b); or
1661 (ii) the cardholder received the medical cannabis card through the recommendation of
1662 the compassionate use board under Section 26-61a-105.
1663 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:
1664 (i) using the application process described in Subsection (3); or
1665 (ii) through phone or video conference with the qualified medical provider who made
1666 the recommendation underlying the card, at the qualifying medical provider's discretion.
1667 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
1668 pay to the department a renewal fee in an amount that:
1669 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
1670 63J-1-504; and

1671 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1672 comparison to the original application process.

1673 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1674 patient card renews automatically at the time the minor's parent or legal guardian renews the
1675 parent or legal guardian's associated medical cannabis guardian card.

1676 (e) The department may revoke a medical cannabis guardian card if the cardholder
1677 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
1678 under either state or federal law.

1679 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
1680 cannabis card with the patient's name.

1681 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
1682 purchase, in accordance with this chapter and the recommendation underlying the card,
1683 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1684 medical cannabis device.

1685 (ii) A cardholder under this section may possess or transport, in accordance with this
1686 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1687 cannabis product in a medicinal dosage form, or a medical cannabis device.

1688 (iii) To address the qualifying condition underlying the medical cannabis treatment
1689 recommendation:

1690 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1691 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1692 or a medical cannabis device; and

1693 (B) a medical cannabis guardian cardholder may assist the associated provisional
1694 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1695 product in a medicinal dosage form, or a medical cannabis device.

1696 (c) If [~~neither~~] a licensed medical cannabis pharmacy [~~nor the state central fill medical~~
1697 ~~cannabis pharmacy~~] is not operating within the state after January 1, 2021, a cardholder under
1698 this section is not subject to prosecution for the possession of:

1699 (i) no more than 113 grams of marijuana in a medicinal dosage form;

1700 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
1701 than 20 grams of tetrahydrocannabinol; or

1702 (iii) marijuana drug paraphernalia.

1703 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1704 Utah Administrative Rulemaking Act, a process to provide information regarding the following
1705 to an individual receiving a medical cannabis card:

1706 (a) risks associated with medical cannabis treatment;

1707 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1708 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1709 Subsection [26-61a-104](#)(1); and

1710 (c) other relevant warnings and safety information that the department determines.

1711 (9) The department may establish procedures by rule, in accordance with Title 63G,
1712 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
1713 provisions of this section.

1714 (10) (a) A person may submit~~[-]~~ to the department a request to conduct a ~~[medical]~~
1715 research study using medical cannabis cardholder data that the state electronic verification
1716 system contains.

1717 (b) The department shall review a request described in Subsection (10)(a) to determine
1718 whether an institutional review board, as that term is defined in Section [26-61-102](#), could
1719 approve the ~~[medical]~~ research study ~~[is valid]~~.

1720 (c) ~~[If the department makes a determination under Subsection (10)(b) that the medical~~
1721 ~~research study is valid;]~~ At the time an individual applies for a medical cannabis card, the
1722 department shall notify ~~[each relevant]~~ the individual:

1723 (i) of how the individual's information will be used as a cardholder ~~[asking for]~~;

1724 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1725 consent under Subsection (10)(d), the individual consents to the use of the individual's
1726 information for external research; and

1727 (iii) that the individual may withdraw consent for the use of the individual's
1728 information for external research at any time, including at the time of application.

1729 (d) An applicant may, through the medical cannabis card application, and a medical
1730 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
1731 cardholder's consent to participate in ~~[the study]~~ external research at any time.

1732 ~~[(d)]~~ (e) The department may release, for the purposes of a study described in this

1733 Subsection (10), information about a cardholder under this section who consents to participate
1734 under Subsection (10)(c).

1735 (f) If an individual withdraws consent under Subsection (10)(d), the withdrawal of
1736 consent:

1737 (i) applies to external research that is initiated after the withdrawal of consent; and

1738 (ii) does not apply to research that was initiated before the withdrawal of consent.

1739 [~~e~~] (g) The department may establish standards for a medical research study's

1740 validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

1741 Rulemaking Act.

1742 Section 27. Section **26-61a-202** is amended to read:

1743 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**
1744 **Revocation.**

1745 (1) A cardholder described in Section **26-61a-201** may designate, through the state
1746 central patient portal, up to two individuals to serve as a designated caregiver for the
1747 cardholder if a qualified medical provider notates in the electronic verification system that the
1748 provider determines that, due to physical difficulty or undue hardship, including concerns of
1749 distance to a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical
1750 cannabis treatment that the qualified medical provider recommends.

1751 (2) An individual that the department registers as a designated caregiver under this
1752 section:

1753 (a) may carry a valid medical cannabis caregiver card;

1754 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1755 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1756 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1757 cardholder;

1758 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1759 or for a service that the designated caregiver provides in relation to the role as a designated
1760 caregiver;

1761 (d) may accept reimbursement from the designating medical cannabis cardholder for
1762 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1763 medicinal use of cannabis; and

1764 (e) if ~~[neither]~~ a licensed medical cannabis pharmacy ~~[nor the state central fill medical~~
1765 ~~cannabis pharmacy]~~ is not operating within the state after January 1, 2021, is not subject to
1766 prosecution for the possession of:

- 1767 (i) no more than 113 grams of marijuana in a medicinal dosage form;
- 1768 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
1769 than 20 grams of tetrahydrocannabinol; or
- 1770 (iii) marijuana drug paraphernalia.

1771 (3) (a) The department shall:

1772 (i) within 15 days after the day on which an individual submits an application in
1773 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

- 1774 (A) is designated as a caregiver under Subsection (1);
- 1775 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 1776 (C) complies with this section; and

1777 (ii) notify the Department of Public Safety of each individual that the department
1778 registers as a designated caregiver.

1779 (b) The department shall ensure that a medical cannabis caregiver card contains the
1780 information described in Subsection (5)(b).

1781 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

- 1782 (a) is at least 21 years old;
- 1783 (b) is a Utah resident;
- 1784 (c) pays to the department a fee in an amount that, subject to Subsection

1785 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
1786 criminal background check described in Section [26-61a-203](#);

1787 (d) signs an acknowledgment stating that the applicant received the information
1788 described in Subsection [26-61a-201\(8\)](#); and

1789 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
1790 a felony under either state or federal law, unless the individual completes any imposed sentence
1791 two or more years before the day on which the individual submits the application.

1792 (5) An eligible applicant for a medical cannabis caregiver card shall:

1793 (a) submit an application for a medical cannabis caregiver card to the department
1794 through an electronic application connected to the state electronic verification system; and

1795 (b) submit the following information in the application described in Subsection (5)(a):

1796 (i) the applicant's name, gender, age, and address;

1797 (ii) the name, gender, age, and address of the cardholder described in Section

1798 26-61a-201 who designated the applicant; and

1799 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,

1800 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical

1801 cannabis guardian cardholder.

1802 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the

1803 department issues under this section is valid for the lesser of:

1804 (a) an amount of time that the cardholder described in Section 26-61a-201 who

1805 designated the caregiver determines; or

1806 (b) the amount of time remaining before the card of the cardholder described in Section

1807 26-61a-201 expires.

1808 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the

1809 designated caregiver's medical cannabis caregiver card renews automatically at the time the

1810 cardholder described in Section 26-61a-201 who designated the caregiver:

1811 (i) renews the cardholder's card; and

1812 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1813 (b) The department shall provide a method in the card renewal process to allow a

1814 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1815 (i) signify that the cardholder renews the caregiver's designation;

1816 (ii) remove a caregiver's designation; or

1817 (iii) designate a new caregiver.

1818 (8) The department may revoke a medical cannabis caregiver card if the designated

1819 caregiver:

1820 (a) violates this chapter; or

1821 (b) is convicted under state or federal law of:

1822 (i) a felony; or

1823 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1824 Section 28. Section 26-61a-203 is amended to read:

1825 **26-61a-203. Designated caregiver -- Guardian -- Criminal background check.**

1826 (1) [~~Each~~] Except for an applicant reapplying for a medical cannabis card within less
1827 than one year after the expiration of the applicant's previous medical cannabis card, each
1828 applicant for a medical cannabis guardian card under Section 26-61a-201 or a medical cannabis
1829 caregiver card under Section 26-61a-202 shall:

1830 (a) submit to the department, at the time of application:

1831 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and

1832 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1833 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next

1834 Generation Identification System's Rap Back Service; and

1835 (b) consent to a fingerprint background check by:

1836 (i) the Bureau of Criminal Identification; and

1837 (ii) the Federal Bureau of Investigation.

1838 (2) The Bureau of Criminal Identification shall:

1839 (a) check the fingerprints the applicant submits under Subsection (1)(a) against the
1840 applicable state, regional, and national criminal records databases, including the Federal
1841 Bureau of Investigation Next Generation Identification System;

1842 (b) report the results of the background check to the department;

1843 (c) maintain a separate file of fingerprints that applicants submit under Subsection
1844 (1)(a) for search by future submissions to the local and regional criminal records databases,
1845 including latent prints;

1846 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1847 Generation Identification System's Rap Back Service for search by future submissions to
1848 national criminal records databases, including the Next Generation Identification System and
1849 latent prints; and

1850 (e) establish a privacy risk mitigation strategy to ensure that the department only
1851 receives notifications for an individual with whom the department maintains an authorizing
1852 relationship.

1853 (3) The department shall:

1854 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
1855 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1856 Bureau of Criminal Identification or another authorized agency provides under this section; and

1857 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
1858 Identification.

1859 Section 29. Section **26-61a-204** is amended to read:

1860 **26-61a-204. Medical cannabis card -- Patient and designated caregiver**
1861 **requirements -- Rebuttable presumption.**

1862 (1) (a) A medical cannabis cardholder who possesses cannabis in a medicinal dosage
1863 form or a cannabis product in a medicinal dosage form that the cardholder purchased under this
1864 chapter shall:

1865 (i) carry at all times the cardholder's medical cannabis card;

1866 (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a
1867 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

1868 (A) was sold from a licensed medical cannabis pharmacy [~~or the state central fill~~
1869 ~~medical cannabis pharmacy~~]; and

1870 (B) includes an identification number that links the cannabis or cannabis product to the
1871 inventory control system; and

1872 (iii) possess not more than:

1873 (A) 113 grams of unprocessed cannabis; or

1874 (B) an amount of cannabis product that contains 20 grams of total composite
1875 tetrahydrocannabinol.

1876 (b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form
1877 or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

1878 (i) guilty of an infraction; and

1879 (ii) subject to a \$100 fine.

1880 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of
1881 unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40
1882 grams of total composite tetrahydrocannabinol is:

1883 (i) guilty of a class B misdemeanor; and

1884 (ii) subject to a fine of \$1,000.

1885 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
1886 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
1887 conduct underlying the penalty described in Subsection (1)(b) or (c).

1888 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed
1889 cannabis or a total amount of cannabis product that contains more than 40 grams of total
1890 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,
1891 Utah Controlled Substances Act.

1892 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
1893 as that term is defined in Section [31A-22-627](#).

1894 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder or a
1895 provisional patient cardholder may not use, in public view, cannabis or a cannabis product.

1896 (c) In the event of an emergency medical condition, an individual described in
1897 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
1898 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
1899 medicinal dosage form or a cannabis product in a medicinal dosage form.

1900 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
1901 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
1902 medical cannabis device that corresponds with the cannabis or cannabis product:

1903 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,
1904 cannabis product, or medical cannabis device legally; and

1905 (b) there is no probable cause, based solely on the cardholder's possession of the
1906 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
1907 cannabis device, to believe that the cardholder is engaging in illegal activity.

1908 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
1909 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
1910 device, and the individual represents to the law enforcement officer that the individual holds a
1911 valid medical cannabis card, but the individual does not have the medical cannabis card in the
1912 individual's possession at the time of the stop by the law enforcement officer, the law
1913 enforcement officer shall attempt to access the state electronic verification system to determine
1914 whether the individual holds a valid medical cannabis card.

1915 (b) If the law enforcement officer is able to verify that the individual described in
1916 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

1917 (i) may not arrest or take the individual into custody for the sole reason that the
1918 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a

1919 medicinal dosage form, or a medical cannabis device; and

1920 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

1921 Section 30. Section **26-61a-301** is amended to read:

1922 **26-61a-301. Medical cannabis pharmacy -- License -- Eligibility.**

1923 (1) A person may not operate as a medical cannabis pharmacy without a license that
1924 the department issues under this part.

1925 (2) (a) (i) Subject to Subsections (4) and (5) and to Section **26-61a-305**, the department
1926 shall[;] issue a license to operate a medical cannabis pharmacy in accordance with Title 63G,
1927 Chapter 6a, Utah Procurement Code[;].

1928 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
1929 an applicant who is not eligible for a license under this section.

1930 (b) An applicant is eligible for a license under this section if the applicant submits to
1931 the department:

1932 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
1933 operate the medical cannabis pharmacy;

1934 (ii) the name and address of an individual who:

1935 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1936 pharmacy; or

1937 (B) has the power to direct or cause the management or control of a proposed cannabis
1938 production establishment;

1939 (iii) evidence that the applicant [~~has obtained~~] will obtain and [~~maintains~~] maintain a
1940 performance bond that a surety authorized to transact surety business in the state issues in an
1941 amount of at least \$125,000 for each application that the applicant submits to the department;

1942 (iv) an operating plan that:

1943 (A) complies with Section **26-61a-304**; and

1944 (B) includes operating procedures to comply with the operating requirements for a
1945 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
1946 law that is consistent with Section **26-61a-507**;

1947 [~~(v) if the municipality or county where the proposed medical cannabis pharmacy~~
1948 ~~would be located requires a local land use permit, a copy of the person's approved application~~
1949 ~~for the local land use permit; and]~~

1950 ~~[(vi)]~~ (v) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
1951 department sets in accordance with Section 63J-1-504~~[-];~~ and

1952 (vi) a description of any investigation or adverse action taken by any licensing
1953 jurisdiction, government agency, law enforcement agency, or court in any state for any
1954 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
1955 or businesses.

1956 (c) (i) A person may not locate a medical cannabis pharmacy;

1957 (A) within 200 feet of a community location; or

1958 (B) in or within 600 feet of an area that the relevant municipality or county has zoned
1959 as primarily residential.

1960 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
1961 from the nearest entrance to the medical cannabis pharmacy establishment by following the
1962 shortest route of ordinary pedestrian travel to the property boundary of the community location
1963 or residential area.

1964 (iii) The department may grant a waiver to reduce the proximity requirements in
1965 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
1966 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

1967 ~~[(iv)]~~ (iv) An applicant for a license under this section shall provide evidence of
1968 compliance with the proximity ~~[requirement]~~ requirements described in Subsection (2)(c)(i).

1969 ~~[(d) Except as provided in Subsection (2)(c), a medical cannabis pharmacy is a~~
1970 ~~permitted use in all zoning districts within a municipality or county.]~~

1971 (d) The department may not issue a license to an eligible applicant that the department
1972 has selected to receive a license until the selected eligible applicant obtains the performance
1973 bond described in Subsection (2)(b)(iii).

1974 (e) If the department receives more than one application for a medical cannabis
1975 pharmacy within the same city or town, the department shall consult with the local land use
1976 authority before approving any of the applications pertaining to that city or town.

1977 (3) If the department ~~[determines that]~~ selects an applicant ~~[is eligible]~~ for a medical
1978 cannabis pharmacy license under this section, the department shall:

1979 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1980 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

1981 (b) notify the Department of Public Safety of the license approval and the names of
1982 each individual described in Subsection (2)(b)(ii).

1983 (4) The department may not issue a license to operate a medical cannabis pharmacy to
1984 an applicant if an individual described in Subsection (2)(b)(ii):

1985 (a) has been convicted under state or federal law of:

1986 (i) a felony; or

1987 (ii) after December 3, 2018, a misdemeanor for drug distribution; or

1988 (b) is younger than 21 years old.

1989 (5) If an applicant for a medical cannabis pharmacy license under this section holds a
1990 license under Title 4, Chapter 41, Hemp and Cannabinoid Act, or Title 4, Chapter 41a,
1991 Cannabis Production Establishments, the department:

1992 (a) shall consult with the Department of Agriculture and Food regarding the applicant;
1993 and

1994 (b) may not give preference to the applicant based on the applicant's status as a holder
1995 of a license described in this Subsection (5).

1996 (6) The department may revoke a license under this part if:

1997 (a) the medical cannabis pharmacy does not begin operations within one year after the
1998 day on which the department issues the initial license;

1999 (b) the medical cannabis pharmacy makes the same violation of this chapter three
2000 times; ~~or~~

2001 (c) an individual described in Subsection (2)(b)(ii) is convicted, while the license is
2002 active, under state or federal law of:

2003 (i) a felony; or

2004 (ii) after December 3, 2018, a misdemeanor for drug distribution~~[-]; or~~

2005 (d) the licensee fails to provide the information described in Subsection (2)(b)(vi) at
2006 the time of application, or fails to supplement the information described in Subsection
2007 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
2008 application.

2009 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
2010 if the municipality or county where the licensed medical cannabis pharmacy will be located
2011 requires a local land use permit, shall submit to the department a copy of the licensee's

2012 approved application for the land use permit within 120 days after the day on which the
2013 department issues the license.

2014 (b) If a licensee fails to submit to the department a copy the licensee's approved land
2015 use permit application in accordance with Subsection (7)(a), the department may revoke the
2016 licensee's license.

2017 [~~(7)~~] (8) The department shall deposit the proceeds of a fee imposed by this section in
2018 the Qualified Patient Enterprise Fund.

2019 [~~(8)~~] (9) The department shall begin accepting applications under this part on or before
2020 March 1, 2020.

2021 [~~(9)~~] (10) (a) The department's authority to issue a license under this section is plenary
2022 and is not subject to review.

2023 (b) Notwithstanding Subsection (2), the decision of the department to award a license
2024 to an applicant is not subject to:

2025 (i) Title 63G, Chapter 6a, Part 16, Protests; or

2026 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

2027 Section 31. Section **26-61a-302** is amended to read:

2028 **26-61a-302. Medical cannabis pharmacy owners and directors -- Criminal**
2029 **background checks.**

2030 (1) Each applicant [~~for~~] to whom the department issues a notice of intent to award a
2031 license to operate as a medical cannabis pharmacy shall submit, [~~at the time of application~~]
2032 before the department may award the license, from each individual who has a financial or
2033 voting interest of 2% or greater in the applicant or who has the power to direct or cause the
2034 management or control of the applicant:

2035 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

2036 (b) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
2037 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

2038 Generation Identification System's Rap Back Service; and

2039 (c) consent to a fingerprint background check by:

2040 (i) the Bureau of Criminal Identification; and

2041 (ii) the Federal Bureau of Investigation.

2042 (2) The Bureau of Criminal Identification shall:

- 2043 (a) check the fingerprints the applicant submits under Subsection (1) against the
2044 applicable state, regional, and national criminal records databases, including the Federal
2045 Bureau of Investigation Next Generation Identification System;
- 2046 (b) report the results of the background check to the department;
- 2047 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
2048 for search by future submissions to the local and regional criminal records databases, including
2049 latent prints;
- 2050 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2051 Generation Identification System's Rap Back Service for search by future submissions to
2052 national criminal records databases, including the Next Generation Identification System and
2053 latent prints; and
- 2054 (e) establish a privacy risk mitigation strategy to ensure that the department only
2055 receives notifications for an individual with whom the department maintains an authorizing
2056 relationship.

2057 (3) The department shall:

- 2058 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
2059 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2060 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 2061 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
2062 Identification.

2063 Section 32. Section **26-61a-304** is amended to read:

2064 **26-61a-304. Operating plan.**

2065 A person applying for a medical cannabis pharmacy license shall submit to the
2066 department a proposed operation plan for the medical cannabis pharmacy that complies with
2067 this section and that includes:

- 2068 (1) a description of the physical characteristics of the proposed facility, including a
2069 floor plan and an architectural elevation;
- 2070 (2) a description of the credentials and experience of:
- 2071 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and
2072 (b) any highly skilled or experienced prospective employee;
- 2073 (3) the medical cannabis pharmacy's employee training standards;

2074 (4) a security plan;

2075 (5) a description of the medical cannabis pharmacy's inventory control system,
2076 including a plan to make the inventory control system compatible with the state electronic
2077 verification system; ~~and~~

2078 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
2079 manner that is sanitary and preserves the integrity of the cannabis[-]; ~~and~~

2080 (7) a description of the proposed medical cannabis pharmacy's strategic plan for
2081 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

2082 (a) the supply of medical cannabis and medical cannabis products, in consultation with
2083 the Department of Agriculture and Food; and

2084 (b) the quantity and condition of the population of medical cannabis cardholders, in
2085 consultation with the department.

2086 Section 33. Section **26-61a-305** is amended to read:

2087 **26-61a-305. Maximum number of licenses.**

2088 (1) (a) Except as provided in Subsection (1)(b), if a sufficient number of applicants
2089 apply, the department [may not] shall issue [more than seven] 12 medical cannabis pharmacy
2090 licenses in accordance with this section.

2091 ~~[(b) (i) In addition to the licenses described in Subsection (1)(a), the department shall~~
2092 ~~issue an eighth license if the state central fill medical cannabis pharmacy:]~~

2093 ~~[(A) is not operational by January 1, 2021; or]~~

2094 ~~[(B) ceases operations after January 1, 2021.]~~

2095 ~~[(ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the~~
2096 ~~department shall issue a ninth license if the state central fill medical cannabis pharmacy:]~~

2097 ~~[(A) is not operational by July 1, 2021; or]~~

2098 ~~[(B) ceases operations after July 1, 2021.]~~

2099 ~~[(iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),~~
2100 ~~the department shall issue a tenth license if the state central fill medical cannabis pharmacy:]~~

2101 ~~[(A) is not operational by January 1, 2022; or]~~

2102 ~~[(B) ceases operations after January 1, 2022.]~~

2103 ~~[(iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and~~
2104 ~~(iii), if a final order of a court enjoins or invalidates the operation of the state central fill~~

2105 ~~medical cannabis pharmacy.]~~

2106 (b) If fewer than 12 qualified applicants apply for a medical cannabis pharmacy
2107 license, the department shall issue a medical cannabis pharmacy license to each qualified
2108 applicant.

2109 (c) The department may issue licenses in two phases in accordance with this
2110 Subsection (1)(c).

2111 (i) Using one procurement process, the department may issue seven licenses to an
2112 initial group of medical cannabis pharmacies and five licenses to a second group of medical
2113 cannabis pharmacies.

2114 (ii) If the department issues licenses in two phases in accordance with this Subsection
2115 (1)(c), the department shall:

2116 (A) divide the state into no less than four geographic regions;

2117 (B) issue at least one license in each geographic region during each phase of issuing
2118 licenses; and

2119 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
2120 July 1, 2020.

2121 (2) (a) If there are more qualified applicants than there are available licenses for
2122 medical cannabis pharmacies, the department shall:

2123 [(a)] (i) evaluate each applicant and award the license to the applicant that best
2124 demonstrates:

2125 [(i)] (A) experience with establishing and successfully operating a business that
2126 involves complying with a regulatory environment, tracking inventory, and training, evaluating,
2127 and monitoring employees;

2128 [(ii)] (B) an operating plan that will best ensure the safety and security of patrons and
2129 the community;

2130 [(iii)] (C) positive connections to the local community;

2131 [(iv)] (D) the suitability of the proposed location and the location's accessibility for
2132 qualifying patients; ~~and~~

2133 [(v)] (E) the extent to which the applicant can reduce the cost of cannabis or cannabis
2134 products for patients; and

2135 (F) a strategic plan described in Subsection [26-61a-304\(7\)](#) that has a comparatively

2136 high likelihood of success; and
2137 ~~(b)~~ (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
2138 maximize access to the largest number of medical cannabis cardholders.
2139 (b) In making the evaluation described in Subsection (2)(a), the department may give
2140 increased consideration to applicants who indicate a willingness to:
2141 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
2142 medical cannabis orders that the state central patient portal facilitates; and
2143 (ii) accept payments through:
2144 (A) a payment provider that the Division of Finance approves, in consultation with the
2145 state treasurer, in accordance with Section 26-61a-603; or
2146 (B) a financial institution in accordance with Subsection 26-61a-603(4).
2147 (3) The department may conduct a face-to-face interview with an applicant for a
2148 license that the department evaluates under Subsection (2).
2149 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
2150 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
2151 operating plan demonstrates the functional and technical ability to:
2152 (i) safely conduct transactions for medical cannabis shipments;
2153 (ii) accept electronic medical cannabis orders that the state central patient portal
2154 facilitates; and
2155 (iii) accept payments through:
2156 (A) a payment provider that the Division of Finance approves, in consultation with the
2157 state treasurer, in accordance with Section 26-61a-603; or
2158 (B) a financial institution in accordance with Subsection 26-61a-603(4).
2159 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
2160 shall identify in the applicant's operating plan any information relevant to the department's
2161 evaluation described in Subsection (4)(a), including:
2162 (i) the name and contact information of the payment provider;
2163 (ii) the nature of the relationship between the prospective licensee and the payment
2164 provider;
2165 (iii) the processes of the following to safely and reliably conduct transactions for
2166 medical cannabis shipments:

- 2167 (A) the prospective licensee; and
- 2168 (B) the electronic payment provider or the financial institution described in Subsection
- 2169 (4)(a)(iii); and
- 2170 (iv) the ability of the licensee to comply with the department's rules regarding the
- 2171 secure transportation and delivery of medical cannabis or medical cannabis product to a
- 2172 medical cannabis cardholder.

2173 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
 2174 that the department designates as a home delivery medical cannabis pharmacy may deliver
 2175 medical cannabis shipments in accordance with this chapter.

2176 Section 34. Section **26-61a-401** is amended to read:

2177 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**

2178 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
 2179 cannabis pharmacy unless the department registers the individual as a medical cannabis
 2180 pharmacy agent.

2181 (2) Except as provided in Section **26-61a-403**, [~~the following individuals, regardless of~~
 2182 ~~the individual's status as]~~ a qualified medical provider[;] may not act as a medical cannabis
 2183 pharmacy agent, have a financial or voting interest of 2% or greater in a medical cannabis
 2184 pharmacy, or have the power to direct or cause the management or control of a medical
 2185 cannabis pharmacy[;].

2186 ~~[(a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~
 2187 ~~Practice Act;]~~

2188 ~~[(b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or~~
 2189 ~~Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or]~~

2190 ~~[(c) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician~~
 2191 ~~Assistant Act.]~~

2192 (3) (a) The department shall, within 15 days after the day on which the department
 2193 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
 2194 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
 2195 registration card to the prospective agent if the medical cannabis pharmacy:

- 2196 (i) provides to the department:
- 2197 (A) the prospective agent's name and address;

2198 (B) the name and location of the licensed medical cannabis pharmacy where the
2199 prospective agent seeks to act as the medical cannabis pharmacy agent; and

2200 (C) the submission required under Subsection (3)(b); and

2201 (ii) pays a fee to the department in an amount that, subject to Subsection

2202 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

2203 (b) [~~Each~~] Except for an applicant reapplying for a medical cannabis pharmacy agent

2204 registration card within less than one year after the expiration of the applicant's previous

2205 medical cannabis pharmacy agent registration card, each prospective agent described in

2206 Subsection (3)(a) shall:

2207 (i) submit to the department:

2208 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

2209 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the

2210 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

2211 Generation Identification System's Rap Back Service; and

2212 (ii) consent to a fingerprint background check by:

2213 (A) the Bureau of Criminal Identification; and

2214 (B) the Federal Bureau of Investigation.

2215 (c) The Bureau of Criminal Identification shall:

2216 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against

2217 the applicable state, regional, and national criminal records databases, including the Federal

2218 Bureau of Investigation Next Generation Identification System;

2219 (ii) report the results of the background check to the department;

2220 (iii) maintain a separate file of fingerprints that prospective agents submit under

2221 Subsection (3)(b) for search by future submissions to the local and regional criminal records

2222 databases, including latent prints;

2223 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

2224 Generation Identification System's Rap Back Service for search by future submissions to

2225 national criminal records databases, including the Next Generation Identification System and

2226 latent prints; and

2227 (v) establish a privacy risk mitigation strategy to ensure that the department only

2228 receives notifications for an individual with whom the department maintains an authorizing

2229 relationship.

2230 (d) The department shall:

2231 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
2232 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2233 Bureau of Criminal Identification or another authorized agency provides under this section; and

2234 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
2235 Identification.

2236 (4) The department shall designate, on an individual's medical cannabis pharmacy
2237 agent registration card the name of the medical cannabis pharmacy where the individual is
2238 registered as an agent.

2239 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
2240 the department develops in collaboration with the Division of Occupational and Professional
2241 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
2242 designates by rule, in collaboration with the Division of Occupational and Professional
2243 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
2244 Administrative Rulemaking Act.

2245 (6) The department shall ensure that the certification standard described in Subsection
2246 (5) includes training in:

2247 (a) Utah medical cannabis law; and

2248 (b) medical cannabis pharmacy best practices.

2249 (7) The department may revoke the medical cannabis pharmacy agent registration card
2250 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
2251 who:

2252 (a) violates the requirements of this chapter; or

2253 (b) is convicted under state or federal law of:

2254 (i) a felony; or

2255 (ii) after December 3, 2018, a misdemeanor for drug distribution.

2256 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
2257 day on which the department issues or renews the card.

2258 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
2259 agent:

- 2260 (i) is eligible for a medical cannabis pharmacy agent registration card under this
2261 section;
- 2262 (ii) certifies to the department in a renewal application that the information in
2263 Subsection (3)(a) is accurate or updates the information; and
- 2264 (iii) pays to the department a renewal fee in an amount that:
- 2265 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
2266 Section 63J-1-504; and
- 2267 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
2268 comparison to the original application process.
- 2269 Section 35. Section 26-61a-403 is amended to read:
- 2270 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**
- 2271 (1) (a) A medical cannabis pharmacy:
- 2272 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
2273 Practice Act, as a pharmacy medical provider;
- 2274 (ii) may employ a physician who has the authority to write a prescription and is
2275 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
2276 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 2277 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
2278 works onsite during all business hours; and
- 2279 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
2280 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
2281 cannabis pharmacy.
- 2282 (b) An individual may not serve as a pharmacy medical provider unless the department
2283 registers the individual as a pharmacy medical provider in accordance with Subsection (2).
- 2284 (2) (a) The department shall, within 15 days after the day on which the department
2285 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
2286 medical provider, register and issue a pharmacy medical provider registration card to the
2287 prospective pharmacy medical provider if the medical cannabis pharmacy:
- 2288 (i) provides to the department:
- 2289 (A) the prospective pharmacy medical provider's name and address;
- 2290 (B) the name and location of the licensed medical cannabis pharmacy where the

2291 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;
2292 (C) a report detailing the completion of the continuing education requirement described
2293 in Subsection (3); and
2294 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
2295 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
2296 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
2297 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
2298 (ii) pays a fee to the department in an amount that, subject to Subsection
2299 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).
2300 (b) The department may not register a qualified medical provider or a state central ~~[fif]~~
2301 patient portal medical provider as a pharmacy medical provider.
2302 (3) (a) A pharmacy medical provider shall complete the continuing education described
2303 in this Subsection (3) in the following amounts:
2304 (i) as a condition precedent to registration, four hours; and
2305 (ii) as a condition precedent to renewal of the registration, four hours every two years.
2306 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:
2307 (i) complete continuing education:
2308 (A) regarding the topics described in Subsection (3)(d); and
2309 (B) offered by the department under Subsection (3)(c) or an accredited or approved
2310 continuing education provider that the department recognizes as offering continuing education
2311 appropriate for the medical cannabis pharmacy practice; and
2312 (ii) make a continuing education report to the department in accordance with a process
2313 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
2314 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
2315 Professional Licensing and:
2316 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
2317 Pharmacy Practice Act, the Board of Pharmacy;
2318 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
2319 Practice Act, the Physicians Licensing Board; and
2320 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
2321 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

2322 (c) The department may, in consultation with the Division of Occupational and
2323 Professional Licensing, develop the continuing education described in this Subsection (3).

2324 (d) The continuing education described in this Subsection (3) may discuss:

2325 (i) the provisions of this chapter;

2326 (ii) general information about medical cannabis under federal and state law;

2327 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2328 including risks and benefits;

2329 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2330 patient in pain management, risk management, potential addiction, and palliative care; or

2331 (v) best practices for recommending the form and dosage of a medical cannabis
2332 product based on the qualifying condition underlying a medical cannabis recommendation.

2333 (4) (a) A pharmacy medical provider registration card expires two years after the day
2334 on which the department issues or renews the card.

2335 (b) A pharmacy medical provider may renew the provider's registration card if the
2336 provider:

2337 (i) is eligible for a pharmacy medical provider registration card under this section;

2338 (ii) certifies to the department in a renewal application that the information in
2339 Subsection (2)(a) is accurate or updates the information;

2340 (iii) submits a report detailing the completion of the continuing education requirement
2341 described in Subsection (3); and

2342 (iv) pays to the department a renewal fee in an amount that:

2343 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
2344 Section 63J-1-504; and

2345 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
2346 comparison to the original application process.

2347 Section 36. Section 26-61a-502 is amended to read:

2348 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
2349 **Reporting -- Form of cannabis or cannabis product.**

2350 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
2351 chapter:

2352 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired

2353 from a cannabis processing facility that is licensed under Section 4-41a-201;

2354 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
2355 acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

2356 (iii) a medical cannabis device; or

2357 (iv) educational material related to the medical use of cannabis.

2358 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
2359 an individual with:

2360 (i) a medical cannabis card; and

2361 (ii) a corresponding valid form of photo identification [~~that is a valid United States~~
2362 ~~federal- or state-issued photo identification, including a driver license, a United States passport,~~
2363 ~~a United States passport card, or a United States military identification card~~].

2364 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
2365 cannabis-based drug that the United States Food and Drug Administration has approved.

2366 (2) A medical cannabis pharmacy may not dispense:

2367 (a) to a medical cannabis cardholder in any one [12] 28-day period, more than the
2368 lesser of:

2369 [~~(i) an amount sufficient to provide 14 days of treatment based on the dosing~~
2370 ~~parameters that the relevant qualified medical provider recommends; or]~~

2371 [~~(ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form~~
2372 ~~and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol~~
2373 ~~in the cannabis; or]~~

2374 [~~(B) an amount of cannabis products that is in a medicinal dosage form and that~~
2375 ~~contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;]~~

2376 [~~(b) to a medical cannabis cardholder whose primary residence is located more than~~
2377 ~~100 miles from the nearest medical cannabis pharmacy or local health department, in any one~~
2378 ~~28-day period, more than the lesser of:]~~

2379 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
2380 that the relevant qualified medical provider recommends; or

2381 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
2382 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
2383 cannabidiol in the cannabis; or

2384 (B) an amount of cannabis products that is in a medicinal dosage form and that
2385 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or
2386 ~~[(c)]~~ (b) to an individual whose qualified medical provider did not recommend dosing
2387 parameters, until the individual consults with the pharmacy medical provider in accordance
2388 with Subsection (4), any cannabis or cannabis products.

2389 (3) An individual with a medical cannabis card may not purchase:
2390 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
2391 in any one ~~[12-day]~~ 28-day period; or

2392 (b) if the relevant qualified medical provider did not recommend dosing parameters,
2393 until the individual consults with the pharmacy medical provider in accordance with
2394 Subsection (4), any cannabis or cannabis products.

2395 (4) If a qualified medical provider recommends treatment with medical cannabis or a
2396 cannabis product but does not provide dosing parameters:

2397 (a) the qualified medical provider shall document in the recommendation:

2398 (i) an evaluation of the qualifying condition underlying the recommendation;

2399 (ii) prior treatment attempts with cannabis and cannabis products; and

2400 (iii) the patient's current medication list; and

2401 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal
2402 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider
2403 shall:

2404 (i) review pertinent medical records, including the qualified medical provider
2405 documentation described in Subsection (4)(a); and

2406 (ii) unless the pertinent medical records show dosing parameters from a state central
2407 patient portal medical provider in accordance with Subsection (5), after completing the review
2408 described in Subsection (4)(b)(i) and consulting with the recommending qualified medical
2409 provider as needed, determine the best course of treatment through consultation with the
2410 cardholder regarding:

2411 (A) the patient's qualifying condition underlying the recommendation from the
2412 qualified medical provider;

2413 (B) indications for available treatments;

2414 (C) dosing parameters; and

2415 (D) potential adverse reactions.

2416 (5) (a) A state central patient portal medical provider may provide the consultation and
2417 make the determination described in Subsection (4)(b) for a medical cannabis patient
2418 cardholder regarding an electronic order that the state central patient portal facilitates.

2419 (b) The state central patient portal medical provider described in Subsection (5)(a)
2420 shall document the dosing parameters determined under Subsection (5)(a) in the pertinent
2421 medical records.

2422 [~~5~~] (6) A medical cannabis pharmacy shall:

2423 (a) (i) access the state electronic verification system before dispensing cannabis or a
2424 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
2425 where applicable, the associated patient has met the maximum amount of cannabis or cannabis
2426 products described in Subsection (2); and

2427 (ii) if the verification in Subsection [~~5~~] (6)(a)(i) indicates that the individual has met
2428 the maximum amount described in Subsection (2):

2429 (A) decline the sale; and

2430 (B) notify the qualified medical provider who made the underlying recommendation;

2431 (b) submit a record to the state electronic verification system each time the medical
2432 cannabis pharmacy dispenses cannabis or a cannabis product to a medical cannabis cardholder;

2433 (c) package any cannabis or cannabis product that is in a blister pack in a container
2434 that:

2435 (i) complies with Subsection 4-41a-602(2);

2436 (ii) is tamper-resistant and tamper-evident; and

2437 (iii) opaque; and

2438 (d) for a product that is a cube that is designed for ingestion through chewing or
2439 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
2440 of over-consumption.

2441 [~~6~~] (7) (a) Except as provided in Subsection [~~6~~] (7)(b), a medical cannabis
2442 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
2443 that is intentionally designed or constructed to resemble a cigarette.

2444 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
2445 cannabis material into a vapor without the use of a flame and that delivers cannabis to an

2446 individual's respiratory system.

2447 ~~[(7)]~~ (8) A medical cannabis pharmacy may not give, at no cost, a product that the
2448 medical cannabis pharmacy is allowed to sell under Subsection (1).

2449 ~~[(8)]~~ (9) The department may impose a uniform fee on each medical cannabis
2450 cardholder transaction in a medical cannabis pharmacy in an amount that, subject to Subsection
2451 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

2452 Section 37. Section **26-61a-503** is amended to read:

2453 **26-61a-503. Partial filling.**

2454 (1) As used in this section, "partially fill" means to provide less than the full amount of
2455 cannabis or cannabis product that the qualified medical provider recommends, if the qualified
2456 medical provider recommended specific dosing parameters.

2457 (2) A pharmacy medical provider may partially fill a recommendation for a medical
2458 cannabis treatment at the request of the qualified medical provider who issued the medical
2459 cannabis treatment recommendation or the medical cannabis cardholder.

2460 (3) The department shall make rules, in collaboration with the Division of
2461 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
2462 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,
2463 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment
2464 recommendation.

2465 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
2466 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
2467 limits in Subsection [26-61a-502\(2\)](#), to fill the quantity remaining of a partially filled medical
2468 cannabis treatment recommendation if:

2469 (a) the pharmacy medical provider determined dosing parameters for the partial fill
2470 under Subsection [26-61a-502\(4\)](#) or [\(5\)](#); and

2471 (b) the medical cannabis cardholder reports that:

2472 (i) the partial fill did not substantially affect the qualifying condition underlying the
2473 medical cannabis recommendation; or

2474 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
2475 unable to successfully use the partial fill.

2476 Section 38. Section **26-61a-505** is amended to read:

2477 **26-61a-505. Advertising.**

2478 (1) Except as provided in Subsections (2) and (3), a medical cannabis pharmacy may
2479 not advertise in any medium.

2480 (2) [~~A~~] Notwithstanding any municipal or county ordinance, a medical cannabis
2481 pharmacy may use signage on the outside of the medical cannabis pharmacy that includes only:

2482 (a) the medical cannabis pharmacy's name and hours of operation; and

2483 (b) a green cross.

2484 (3) A medical cannabis pharmacy may maintain a website that includes information
2485 about:

2486 (a) the location and hours of operation of the medical cannabis pharmacy;

2487 (b) a product or service available at the medical cannabis pharmacy;

2488 (c) personnel affiliated with the medical cannabis pharmacy;

2489 (d) best practices that the medical cannabis pharmacy upholds; and

2490 (e) educational material related to the medical use of cannabis.

2491 Section 39. Section **26-61a-506** is amended to read:

2492 **26-61a-506. Cannabis, cannabis product, or medical cannabis device**
2493 **transportation.**

2494 (1) Only the following individuals may transport cannabis in a medicinal dosage form,
2495 a cannabis product in a medicinal dosage form, or a medical cannabis device under this
2496 chapter:

2497 (a) a registered medical cannabis pharmacy agent;

2498 [~~(b) a registered state central fill agent;~~]

2499 [~~(c)~~] (b) a registered medical cannabis courier [~~for a state central fill shipment~~
2500 ~~described in Section 26-61a-605~~] agent; or

2501 [~~(d)~~] (c) a medical cannabis cardholder who is transporting a medical cannabis
2502 treatment that the cardholder is authorized to transport.

2503 (2) Except for an individual with a valid medical cannabis card under this chapter who
2504 is transporting a medical cannabis treatment that the cardholder is authorized to transport, an
2505 individual described in Subsection (1) shall possess a transportation manifest that:

2506 (a) includes a unique identifier that links the cannabis, cannabis product, or medical
2507 cannabis device to a relevant inventory control system;

2508 (b) includes origin and destination information for cannabis, a cannabis product, or a
 2509 medical cannabis device that the individual is transporting; and

2510 (c) identifies the departure and arrival times and locations of the individual
 2511 transporting the cannabis, cannabis product, or medical cannabis device.

2512 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
 2513 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
 2514 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
 2515 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a
 2516 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that the
 2517 cannabis, cannabis product, or medical cannabis device remains safe for human consumption.

2518 (b) The transportation described in Subsection ~~[(3)(a)]~~ (1)(a) is limited to
 2519 transportation~~[-(i)-]~~ between a medical cannabis pharmacy and:

2520 (i) another medical cannabis pharmacy; [and] or

2521 (ii) for a medical cannabis shipment, a medical cannabis cardholder's home address.

2522 ~~[(ii) between the state central fill medical cannabis pharmacy and:]~~

2523 ~~[(A) another state central fill medical cannabis pharmacy location; or]~~

2524 ~~[(B) a local health department.]~~

2525 (4) (a) It is unlawful for a registered medical cannabis pharmacy agent~~[-]~~ or a registered
 2526 ~~[state central fill] medical cannabis courier agent[-]~~ or a courier described in Section
 2527 26-61a-605 to make a transport described in this section with a manifest that does not meet the
 2528 requirements of this section.

2529 (b) Except as provided in Subsection (4)(d), an agent ~~[or courier]~~ who violates
 2530 Subsection (4)(a) is:

2531 (i) guilty of an infraction; and

2532 (ii) subject to a \$100 fine.

2533 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
 2534 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 2535 underlying the violation described in Subsection (4)(b).

2536 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,
 2537 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
 2538 minimis administrative error:

2539 (i) this chapter does not apply; and
 2540 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
 2541 Substances Act.

2542 Section 40. Section **26-61a-507** is amended to read:

2543 **26-61a-507. Local control.**

2544 [~~(1)(a)(i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or~~
 2545 ~~maintain a license under Section [26-61a-301](#), a person shall demonstrate that the intended~~
 2546 ~~medical cannabis pharmacy location is located at least:]~~

2547 [~~(A) 600 feet from a community location's property boundary following the shortest~~
 2548 ~~route of ordinary pedestrian travel;]~~

2549 [~~(B) 200 feet from the patron entrance to the community location's property boundary;~~
 2550 ~~and]~~

2551 [~~(C) 600 feet from an area zoned primarily residential.]~~

2552 [(ii) A municipal or county land use authority may recommend in writing that the
 2553 department waive the community location proximity requirement described in Subsection
 2554 ~~(1)(a)(i).]~~

2555 (1) The operation of a medical cannabis pharmacy:

2556 (a) shall be a permitted use:

2557 (i) in any zone, overlay, or district within the municipality or county except for a
 2558 primarily residential zone; and

2559 (ii) on land that the municipality or county has not zoned; and

2560 (b) is subject to the land use regulations, as defined in Sections [10-9a-103](#) and
 2561 [17-27a-103](#), that apply in the underlying zone.

2562 [~~(b)(i) (2) A municipality or county may not [deny or revoke a land use permit to~~
 2563 ~~operate a medical cannabis pharmacy];~~

2564 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
 2565 law regarding the legal status of cannabis [~~(ii) A municipality or county may not]~~₂ deny or
 2566 revoke;

2567 (i) a land use permit, as that term is defined in Sections [10-9a-103](#) and [17-27a-103](#), to
 2568 operate a medical cannabis pharmacy; or

2569 (ii) a business license to operate a medical cannabis pharmacy [~~on the sole basis that~~

2570 ~~the applicant or medical cannabis pharmacy violates federal law regarding the legal status of~~
2571 ~~cannabis.];~~

2572 (b) require a certain distance between a medical cannabis pharmacy and:

2573 (i) another medical cannabis pharmacy;

2574 (ii) a cannabis production establishment;

2575 (iii) a retail tobacco specialty business, as that term is defined in Section [26-62-103](#); or

2576 (iv) an outlet, as that term is defined in Section [32B-1-202](#); or

2577 (c) enforce a land use regulation or land use decision, as those terms are defined in

2578 Sections [10-9a-103](#) and [17-27a-103](#), against or impose a land use restriction on a medical

2579 cannabis pharmacy if the county or municipality does not also enforce the land use regulation

2580 or land use decision against or impose the land use restriction on any other pharmacy within the

2581 same zone.

2582 ~~[(2)]~~ (3) A municipality or county may enact an ordinance that:

2583 (a) is not in conflict with this chapter; and

2584 (b) governs the time, place, or manner of medical cannabis pharmacy operations in the
2585 municipality or county.

2586 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall
2587 comply with the land use requirements and application process described in:

2588 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
2589 including Section [10-9a-528](#); and

2590 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,
2591 including Section [17-27a-525](#).

2592 Section 41. Section [26-61a-601](#) is repealed and reenacted to read:

2593 **[26-61a-601](#). State central patient portal -- Department duties.**

2594 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
2595 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
2596 described in this section.

2597 (2) The state central patient portal shall:

2598 (a) authenticate each user to ensure the user is a valid medical cannabis patient
2599 cardholder;

2600 (b) allow a medical cannabis patient cardholder to:

- 2601 (i) obtain and download the cardholder's medical cannabis card;
2602 (ii) review the cardholder's medical cannabis purchase history; and
2603 (iii) manage the cardholder's personal information, including withdrawing consent for
2604 the use of the cardholder's information for a study described in Subsection 26-61a-201(10);
2605 (c) if the cardholder's qualified medical provider recommended the use of medical
2606 cannabis without providing dosing parameters and the cardholder has not yet received the
2607 counseling or consultation required in Subsection 26-61a-502(4):
2608 (i) alert the cardholder of the outstanding need for consultation; and
2609 (ii) provide the cardholder with access to the contact information for each state central
2610 patient portal medical provider and each pharmacy medical provider;
2611 (d) except as provided in Subsection (2)(f), facilitate an electronic medical cannabis
2612 order to a home delivery medical cannabis pharmacy;
2613 (e) prohibit a patient from completing an electronic medical cannabis order described
2614 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
2615 26-61a-501(2)(a) or (b);
2616 (f) provide educational information to medical cannabis patient cardholders regarding
2617 the state's medical cannabis laws and regulatory programs and other relevant information
2618 regarding medical cannabis; and
2619 (g) allow the patient to designate up to two caregivers who may receive a medical
2620 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
2621 accordance with this chapter.
2622 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
2623 Administrative Rulemaking Act, to implement the state central patient portal.
2624 Section 42. Section 26-61a-602 is repealed and reenacted to read:
2625 **26-61a-602. State central patient portal medical provider.**
2626 (1) In relation to the state central patient portal:
2627 (a) the department may only employ, as a state central patient portal medical provider:
2628 (i) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or
2629 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
2630 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
2631 (b) if the department employs a state central patient portal medical provider, ensure

2632 that a state central patient portal medical provider is available during all business hours.

2633 (2) A state central patient portal medical provider may:

2634 (a) provide consultations to medical cannabis cardholders; and

2635 (b) determine dosing parameters in accordance with Subsection [26-61a-502\(5\)](#).

2636 Section 43. Section [26-61a-603](#) is repealed and reenacted to read:

2637 **26-61a-603. Payment provider for electronic medical cannabis transactions.**

2638 (1) A cannabis production establishment seeking to use a payment provider, a medical

2639 cannabis pharmacy, or a prospective home delivery medical cannabis pharmacy shall submit to

2640 the Division of Finance and the state treasurer information regarding the payment provider the

2641 prospective licensee will use to conduct financial transactions related to medical cannabis,

2642 including:

2643 (a) the name and contact information of the payment provider;

2644 (b) the nature of the relationship between the establishment, pharmacy, or prospective

2645 pharmacy and the payment provider; and

2646 (c) for a prospective home delivery medical cannabis pharmacy, the processes the

2647 prospective licensee and the payment provider have in place to safely and reliably conduct

2648 financial transactions for medical cannabis shipments.

2649 (2) The Division of Finance shall, in consultation with the state treasurer:

2650 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

2651 make rules to establish standards for identifying payment providers that demonstrate the

2652 functional and technical ability to safely conduct financial transactions related to medical

2653 cannabis, including medical cannabis shipments;

2654 (b) review submissions the Division of Finance and the state treasurer receive under

2655 Subsection (1);

2656 (c) approve a payment provider that meets the standards described in Subsection (2)(a);

2657 and

2658 (d) establish a list of approved payment providers.

2659 (3) Any licensed cannabis production establishment, licensed medical cannabis

2660 pharmacy, or medical cannabis courier may use a payment provider that the Division of

2661 Finance approves, in consultation with the state treasurer, to conduct transactions related to the

2662 establishment's, pharmacy's, or courier's respective medical cannabis business.

2663 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
2664 payments through or deposit funds in a financial institution, a cannabis production
2665 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
2666 funds in a financial institution in addition to or instead of a payment provider that the Division
2667 of Finance approves, in consultation with the state treasurer, under this section.

2668 Section 44. Section **26-61a-604** is repealed and reenacted to read:

2669 **26-61a-604. Home delivery of medical cannabis shipments -- Medical cannabis**
2670 **couriers -- License.**

2671 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2672 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
2673 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
2674 state central patient portal facilitates, including rules regarding the safe and controlled delivery
2675 of medical cannabis shipments.

2676 (2) A person may not operate as a medical cannabis courier without a license that the
2677 department issues under this section.

2678 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
2679 operate as a medical cannabis courier to an applicant who is eligible for a license under this
2680 section.

2681 (b) An applicant is eligible for a license under this section if the applicant submits to
2682 the department:

2683 (i) the name and address of an individual who:

2684 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
2685 pharmacy; or

2686 (B) has the power to direct or cause the management or control of a proposed cannabis
2687 production establishment;

2688 (ii) an operating plan that includes operating procedures to comply with the operating
2689 requirements for a medical cannabis courier described in this chapter; and

2690 (iii) an application fee in an amount that, subject to Subsection **26-61a-109(5)**, the
2691 department sets in accordance with Section **63J-1-504**.

2692 (4) If the department determines that an applicant is eligible for a license under this
2693 section, the department shall:

2694 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
2695 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

2696 (b) notify the Department of Public Safety of the license approval and the names of
2697 each individual described in Subsection (3)(b)(ii).

2698 (5) The department may not issue a license to operate as a medical cannabis courier to
2699 an applicant if an individual described in Subsection (3)(b)(ii):

2700 (a) has been convicted under state or federal law of:

2701 (i) a felony; or

2702 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

2703 (b) is younger than 21 years old.

2704 (6) The department may revoke a license under this part if:

2705 (a) the medical cannabis courier does not begin operations within one year after the day
2706 on which the department issues the initial license;

2707 (b) the medical cannabis courier makes the same violation of this chapter three times;

2708 or

2709 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
2710 active, under state or federal law of:

2711 (i) a felony; or

2712 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2713 (7) The department shall deposit the proceeds of a fee imposed by this section in the
2714 Qualified Patient Enterprise Fund.

2715 (8) The department shall begin accepting applications under this section on or before
2716 July 1, 2020.

2717 (9) The department's authority to issue a license under this section is plenary and is not
2718 subject to review.

2719 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
2720 of application, from each individual who has a financial or voting interest of 2% or greater in
2721 the applicant or who has the power to direct or cause the management or control of the
2722 applicant:

2723 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

2724 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

2725 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
2726 Generation Identification System's Rap Back Service; and
2727 (c) consent to a fingerprint background check by:
2728 (i) the Bureau of Criminal Identification; and
2729 (ii) the Federal Bureau of Investigation.
2730 (11) The Bureau of Criminal Identification shall:
2731 (a) check the fingerprints the applicant submits under Subsection (10) against the
2732 applicable state, regional, and national criminal records databases, including the Federal
2733 Bureau of Investigation Next Generation Identification System;
2734 (b) report the results of the background check to the department;
2735 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
2736 for search by future submissions to the local and regional criminal records databases, including
2737 latent prints;
2738 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2739 Generation Identification System's Rap Back Service for search by future submissions to
2740 national criminal records databases, including the Next Generation Identification System and
2741 latent prints; and
2742 (e) establish a privacy risk mitigation strategy to ensure that the department only
2743 receives notifications for an individual with whom the department maintains an authorizing
2744 relationship.
2745 (12) The department shall:
2746 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
2747 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2748 Bureau of Criminal Identification or another authorized agency provides under this section; and
2749 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
2750 Identification.
2751 (13) The department shall renew a license under this section every year if, at the time
2752 of renewal:
2753 (a) the licensee meets the requirements of this section; and
2754 (b) the licensee pays the department a license renewal fee in an amount that, subject to
2755 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2756 (14) A person applying for a medical cannabis courier license shall submit to the
2757 department a proposed operating plan that complies with this section and that includes:

2758 (a) a description of the physical characteristics of any proposed facilities, including a
2759 floor plan and an architectural elevation, and delivery vehicles;

2760 (b) a description of the credentials and experience of each officer, director, or owner of
2761 the proposed medical cannabis courier;

2762 (c) the medical cannabis courier's employee training standards;

2763 (d) a security plan; and

2764 (e) storage and delivery protocols, both short and long term, to ensure that medical
2765 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
2766 integrity of the cannabis.

2767 Section 45. Section ~~26-61a-605~~ is amended to read:

2768 **26-61a-605. Medical cannabis shipment transportation.**

2769 (1) The [~~state central fill medical cannabis pharmacy~~] department shall ensure that [~~the~~
2770 ~~state central fill~~] each home delivery medical cannabis pharmacy is capable of delivering,
2771 directly or through a medical cannabis courier, medical cannabis shipments in a secure
2772 manner[; cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, and
2773 a medical cannabis device to each local health department in the state within two business days
2774 after the day on which the state central fill medical cannabis pharmacy receives a request for a
2775 state central fill shipment resulting from a recommendation of a qualified medical provider
2776 under Section ~~26-61a-603~~].

2777 (2) (a) [~~The department~~] A home delivery medical cannabis pharmacy may contract
2778 with a [private entity for the entity to serve as a courier for the state central fill medical
2779 cannabis pharmacy, delivering state central fill] licensed medical cannabis courier to deliver
2780 medical cannabis shipments to [local health departments for distribution to medical cannabis
2781 cardholders] fulfill electronic medical cannabis orders that the state central patient portal
2782 facilitates.

2783 (b) If [~~the department~~] a home delivery medical cannabis pharmacy enters into a
2784 contract described in Subsection (2)(a), the [department] pharmacy shall:

2785 [(i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,
2786 Chapter 6a, Utah Procurement Code;]

2787 [(ii)] (i) impose security and personnel requirements on the [~~contracted private entity~~]
2788 medical cannabis courier sufficient to ensure the security and safety of [~~state central fill~~]
2789 medical cannabis shipments; and

2790 [(iii)] (ii) provide regular oversight of the [~~contracted private entity~~] medical cannabis
2791 courier.

2792 (3) Except for an individual with a valid medical cannabis card who transports a
2793 shipment the individual receives, an individual may not transport a [~~state central fill~~] medical
2794 cannabis shipment unless the individual is:

2795 (a) a registered [~~state central fill~~] medical cannabis pharmacy agent; or

2796 (b) [~~an~~] a registered agent of the [~~private~~] medical cannabis courier described in
2797 Subsection (2).

2798 (4) An individual transporting a [~~state central fill~~] medical cannabis shipment under
2799 Subsection (3) shall possess a transportation manifest that:

2800 (a) includes a unique identifier that links the [~~state central fill~~] medical cannabis
2801 shipment to a relevant inventory control system;

2802 (b) includes origin and destination information for [~~a state central fill~~] the medical
2803 cannabis shipment the individual is transporting; and

2804 (c) indicates the departure and arrival times and locations of the individual transporting
2805 the [~~state central fill~~] medical cannabis shipment.

2806 (5) In addition to the requirements in Subsections (3) and (4), the department may
2807 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
2808 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
2809 Rulemaking Act, requirements for transporting [~~state central fill~~] medical cannabis shipments
2810 that are related to safety for human consumption of cannabis or a cannabis product.

2811 (6) (a) It is unlawful for an individual to transport a [~~state central fill~~] medical cannabis
2812 shipment with a manifest that does not meet the requirements of Subsection (4).

2813 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
2814 (6)(a) is:

2815 (i) guilty of an infraction; and

2816 (ii) subject to a \$100 fine.

2817 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not

2818 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
2819 underlying the violation described in Subsection (6)(b).

2820 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
2821 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
2822 minimis administrative error:

2823 (i) this chapter does not apply; and

2824 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
2825 Substances Act.

2826 Section 46. Section **26-61a-606** is amended to read:

2827 **26-61a-606. Medical cannabis courier agent -- Background check -- Registration**
2828 **card -- Rebuttable presumption.**

2829 (1) An individual may not serve as a [~~local health department distribution~~] medical
2830 cannabis courier agent unless:

2831 (a) the individual is an employee of a [~~local health department~~] licensed medical
2832 cannabis courier; and

2833 (b) the department registers the individual as a [~~local health department distribution~~]
2834 medical cannabis courier agent.

2835 (2) (a) The department shall, within 15 days after the day on which the department
2836 receives a complete application from a [~~local health department~~] medical cannabis courier on
2837 behalf of a [~~prospective local health department distribution~~] medical cannabis courier agent,
2838 register and issue a [~~local health department distribution~~] medical cannabis courier agent
2839 registration card to the prospective agent if the [~~local health department~~] medical cannabis
2840 courier:

2841 (i) provides to the department:

2842 (A) the prospective agent's name and address;

2843 (B) the name and [~~location~~] address of the [~~local health department where the~~
2844 ~~prospective agent seeks to act as a local health department distribution agent~~] medical cannabis
2845 courier; [~~and~~]

2846 (iii) the name and address of each home delivery medical cannabis pharmacy with
2847 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

2848 [(C)] (D) the submission required under Subsection (2)(b); [~~and~~]

2849 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
2850 law of:

2851 (A) a felony; or

2852 (B) after December 3, 2018, a misdemeanor for drug distribution~~[-];~~ and

2853 (iii) pays the department a fee in an amount that, subject to Subsection 26-61a-109(5),
2854 the department sets in accordance with Section 63J-1-504.

2855 (b) ~~[Each]~~ Except for an applicant reapplying for a medical cannabis courier agent
2856 registration card within less than one year after the expiration of the applicant's previous
2857 medical cannabis courier agent registration card, each prospective agent described in
2858 Subsection (2)(a) shall:

2859 (i) submit to the department:

2860 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

2861 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
2862 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
2863 Generation Identification System's Rap Back Service; and

2864 (ii) consent to a fingerprint background check by:

2865 (A) the Bureau of Criminal Identification; and

2866 (B) the Federal Bureau of Investigation.

2867 (c) The Bureau of Criminal Identification shall:

2868 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
2869 the applicable state, regional, and national criminal records databases, including the Federal
2870 Bureau of Investigation Next Generation Identification System;

2871 (ii) report the results of the background check to the department;

2872 (iii) maintain a separate file of fingerprints that prospective agents submit under
2873 Subsection (2)(b) for search by future submissions to the local and regional criminal records
2874 databases, including latent prints;

2875 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2876 Generation Identification System's Rap Back Service for search by future submissions to
2877 national criminal records databases, including the Next Generation Identification System and
2878 latent prints; and

2879 (v) establish a privacy risk mitigation strategy to ensure that the department only

2880 receives notifications for an individual with whom the department maintains an authorizing
2881 relationship.

2882 (d) The department shall:

2883 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
2884 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
2885 Bureau of Criminal Identification or another authorized agency provides under this section; and

2886 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
2887 Identification.

2888 (3) The department shall designate on an individual's [~~local health department~~
2889 ~~distribution~~] medical cannabis courier agent registration card the name of the [~~local health~~
2890 ~~department~~] medical cannabis courier where the individual is registered as an agent and each
2891 home delivery medical cannabis courier for which the medical cannabis courier delivers
2892 medical cannabis shipments.

2893 (4) (a) A [~~local health department distribution~~] medical cannabis courier agent shall
2894 comply with a certification standard that the department develops, in collaboration with the
2895 Division of Occupational and Professional Licensing and the Board of Pharmacy, or a
2896 third-party certification standard that the department designates by rule in collaboration with
2897 the Division of Occupational and Professional Licensing and the Board of Pharmacy and in
2898 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2899 (b) The department shall ensure that the certification standard described in Subsection
2900 (4)(a) includes training in:

2901 (i) Utah medical cannabis law;

2902 (ii) the [~~state central fill~~] medical cannabis [~~pharmacy~~] shipment process; and

2903 (iii) [~~local health department distribution~~] medical cannabis courier agent best
2904 practices.

2905 (5) (a) A medical cannabis courier agent registration card expires two years after the
2906 day on which the department issues or renews the card.

2907 (b) A medical cannabis courier agent may renew the agent's registration card if the
2908 agent:

2909 (i) is eligible for a medical cannabis courier agent registration card under this section;

2910 (ii) certifies to the department in a renewal application that the information in

2911 Subsection (2)(a) is accurate or updates the information; and
 2912 (iii) pays to the department a renewal fee in an amount that:
 2913 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
 2914 Section 63J-1-504; and
 2915 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
 2916 comparison to the original application process.

2917 ~~[(5)]~~ (6) The department may revoke or refuse to issue or renew the ~~[local health~~
 2918 ~~department distribution]~~ medical cannabis courier agent registration card of an individual who:
 2919 (a) violates the requirements of this chapter; or
 2920 (b) is convicted under state or federal law of:
 2921 (i) a felony; or
 2922 (ii) after December 3, 2018, a misdemeanor for drug distribution.

2923 ~~[(6)]~~ (7) A ~~[local health department distribution]~~ medical cannabis courier agent who
 2924 the department has registered under this section shall carry the agent's ~~[local health department~~
 2925 ~~distribution]~~ medical cannabis courier agent registration card with the agent at all times when:
 2926 (a) the agent is on the premises of the ~~[local health department]~~ medical cannabis
 2927 courier, a medical cannabis pharmacy, or a medical cannabis cardholder's home address; and
 2928 (b) the agent is handling a medical cannabis shipment ~~[of cannabis or cannabis product~~
 2929 ~~from the state central fill medical cannabis pharmacy].~~

2930 ~~[(7)]~~ (8) If a ~~[local health department distribution]~~ medical cannabis courier agent
 2931 handling a medical cannabis shipment ~~[of cannabis or cannabis product from the state central~~
 2932 ~~fill medical cannabis pharmacy]~~ possesses the shipment in compliance with Subsection ~~[(6)]~~
 2933 (7):

2934 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
 2935 (b) there is no probable cause, based solely on the agent's possession of the medical
 2936 cannabis shipment ~~[containing medical cannabis in medicinal dosage form, a cannabis product~~
 2937 ~~in medicinal dosage form, or a medical cannabis device,]~~ that the agent is engaging in illegal
 2938 activity.

2939 ~~[(8)]~~ (9) (a) A ~~[local health department distribution]~~ medical cannabis courier agent
 2940 who violates Subsection ~~[(6)]~~ (7) is:

2941 (i) guilty of an infraction; and

2942 (ii) subject to a \$100 fine.

2943 (b) An individual who is guilty of a violation described in Subsection ~~[(8)(a)]~~ (9)(a) is
 2944 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
 2945 conduct underlying the violation described in Subsection ~~[(8)(a)]~~ (9)(a).

2946 Section 47. Section **26-61a-607** is amended to read:

2947 **26-61a-607. Home delivery of medical cannabis shipments.**

2948 ~~[(1) Each local health department shall designate:]~~

2949 ~~[(a) one or more of the local health department's locations as a state central fill
 2950 shipment distribution location; and]~~

2951 ~~[(b) a sufficient number of personnel to ensure that at least one individual is available
 2952 at all times during business hours:]~~

2953 ~~[(i) whom the department has registered as a local health department distribution agent;
 2954 and]~~

2955 ~~[(ii) to distribute state central fill shipments to medical cannabis cardholders in
 2956 accordance with this section.]~~

2957 ~~[(2)]~~ (1) An individual may not ~~[retrieve a]~~ receive and a medical cannabis pharmacy
 2958 agent or a medical cannabis courier agent may not deliver a medical cannabis shipment from
 2959 ~~[the state central fill]~~ a home delivery medical cannabis pharmacy ~~[at a local health
 2960 department]~~ unless:

2961 (a) the individual receiving the shipment presents:

2962 ~~[(a)]~~ (i) a valid form of photo identification [that is a valid United States federal- or
 2963 state-issued photo identification, including a driver license, a United States passport, a United
 2964 States passport card, or a United States military identification card]; and

2965 ~~[(b)]~~ (ii) a valid medical cannabis card under the same name that appears on the valid
 2966 form of photo identification [described in Subsection (2)(a)]; and

2967 (b) the delivery occurs at the medical cannabis cardholder's home address that is on file
 2968 in the state electronic verification system.

2969 ~~[(3)]~~ (2) Before a ~~[local health department distribution]~~ medical cannabis pharmacy
 2970 agent or a medical cannabis courier agent distributes a [state central fill] medical cannabis
 2971 shipment to a medical cannabis cardholder, the [local health department distribution] agent
 2972 shall:

- 2973 (a) verify the shipment information using the state electronic verification system;
 2974 (b) ensure that the individual satisfies the identification requirements in Subsection
 2975 ~~[(2)]~~ (1);
 2976 (c) verify that payment is complete; and
 2977 (d) record the completion of the shipment transaction in the electronic verification
 2978 system.

2979 ~~[(4)]~~ (3) The ~~[local health department]~~ medical cannabis courier shall:

2980 (a) (i) store each ~~[state central fill]~~ medical cannabis shipment ~~[that the local health~~
 2981 department receives;] in a secure manner until the recipient medical cannabis cardholder
 2982 ~~[retrieves]~~ receives the shipment or the ~~[local health department]~~ medical cannabis courier
 2983 returns the shipment to the ~~[state central fill]~~ home delivery medical cannabis pharmacy in
 2984 accordance with Subsection ~~[(5), in a single, secure, locked area that is equipped with a~~
 2985 security system that detects and records entry into the area] (4); and

2986 (ii) ensure that only a ~~[local health department distribution]~~ medical cannabis courier
 2987 agent is able to access the ~~[area]~~ medical cannabis shipment until the recipient medical
 2988 cannabis cardholder receives the shipment;

2989 (b) return any ~~[unclaimed state central fill]~~ undelivered medical cannabis shipment to
 2990 the ~~[state central fill]~~ home delivery medical cannabis pharmacy, in accordance with
 2991 Subsection ~~[(5)(a)]~~ (4), after the ~~[local health department]~~ medical cannabis courier has
 2992 possessed the ~~[state central fill]~~ shipment for 10 business days; and

2993 (c) return any ~~[state central fill]~~ medical cannabis shipment to the ~~[state central fill]~~
 2994 home delivery medical cannabis pharmacy, in accordance with Subsection ~~[(5)(b)]~~ (4), if a
 2995 medical cannabis cardholder ~~[returns]~~ refuses to accept the shipment ~~[to the local health~~
 2996 department after retrieving the shipment].

2997 ~~[(5)]~~ (4) (a) If a ~~[local health department]~~ medical cannabis courier or home delivery
 2998 medical cannabis pharmacy agent returns an ~~[unclaimed state central fill]~~ undelivered medical
 2999 cannabis shipment ~~[under Subsection (4)(b)]~~ that remains unopened, the ~~[state central fill]~~
 3000 home delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment ~~[for~~
 3001 another state central fill shipment].

3002 (b) If a ~~[local health department]~~ medical cannabis courier or home delivery medical
 3003 cannabis pharmacy agent returns ~~[a returned state central fill]~~ an undelivered or refused

3004 medical cannabis shipment under Subsection [(4)(c)] (3) that appears to be opened in any way,
3005 the [~~state central fill~~] home delivery medical cannabis pharmacy shall dispose of the [~~returned~~]
3006 shipment by:

3007 (i) rendering the [~~state central fill~~] shipment unusable and unrecognizable before
3008 transporting the shipment from the [~~state central fill~~] home delivery medical cannabis
3009 pharmacy; and

3010 (ii) disposing of the [~~state central fill~~] shipment in accordance with:

3011 (A) federal and state laws, rules, and regulations related to hazardous waste;

3012 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3013 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3014 (D) other regulations that the department makes in accordance with Title 63G, Chapter
3015 3, Utah Administrative Rulemaking Act.

3016 Section 48. Section **26-61a-702** is amended to read:

3017 **26-61a-702. Enforcement -- Fine -- Citation.**

3018 (1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter
3019 or an applicable administrative rule:

3020 (i) revoke the medical cannabis pharmacy license;

3021 (ii) refuse to renew the medical cannabis pharmacy license; or

3022 (iii) assess the medical cannabis pharmacy an administrative penalty.

3023 (b) The department may, for a medical cannabis pharmacy agent's or [~~state central fill~~]
3024 medical cannabis courier agent's violation of this chapter:

3025 (i) revoke the medical cannabis pharmacy agent or [~~state central fill~~] medical cannabis
3026 courier agent registration card;

3027 (ii) refuse to renew the medical cannabis pharmacy agent or [~~state central fill~~] medical
3028 cannabis courier agent registration card; or

3029 (iii) assess the medical cannabis pharmacy agent or [~~state central fill~~] medical cannabis
3030 courier agent an administrative penalty.

3031 (2) The department shall deposit an administrative penalty imposed under this section
3032 into the General Fund.

3033 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
3034 of a violation in an adjudicative proceeding under this section, the department may:

3035 (a) for a fine amount not already specified in law, assess the person a fine of up to
3036 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
3037 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

3038 (b) order the person to cease and desist from the action that creates a violation.

3039 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
3040 cannabis courier's license without first directing the medical cannabis pharmacy or a medical
3041 cannabis courier's license to appear before an adjudicative proceeding conducted under Title
3042 63G, Chapter 4, Administrative Procedures Act.

3043 (5) If, within 20 calendar days after the day on which the department issues a citation
3044 for a violation of this chapter, the person that is the subject of the citation fails to request a
3045 hearing to contest the citation, the citation becomes the department's final order.

3046 (6) The department may, for a person who fails to comply with a citation under this
3047 section:

3048 (a) refuse to issue or renew the person's license or agent registration card; or

3049 (b) suspend, revoke, or place on probation the person's license or agent registration
3050 card.

3051 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
3052 this chapter, if an individual violates a provision of this chapter, the individual is:

3053 (i) guilty of an infraction; and

3054 (ii) subject to a \$100 fine.

3055 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
3056 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3057 underlying the violation described in Subsection (7)(a).

3058 Section 49. Section **26-61a-703** is amended to read:

3059 **26-61a-703. Report.**

3060 (1) By the November interim meeting each year beginning in 2020, the department
3061 shall report to the Health and Human Services Interim Committee on:

3062 (a) the number of applications and renewal applications filed for medical cannabis
3063 cards;

3064 (b) the number of qualifying patients and designated caregivers;

3065 (c) the nature of the debilitating medical conditions of the qualifying patients;

- 3066 (d) the age and county of residence of cardholders;
- 3067 (e) the number of medical cannabis cards revoked;
- 3068 (f) the number of practitioners providing recommendations for qualifying patients;
- 3069 (g) the number of license applications and renewal license applications received;
- 3070 (h) the number of licenses the department has issued in each county;
- 3071 (i) the number of licenses the department has revoked;
- 3072 (j) the quantity ~~[and timeliness of state central fill]~~ of medical cannabis shipments[-
- 3073 ~~including the amount of time between recommendation to]~~ that the state central [fill medical
- 3074 ~~cannabis pharmacy and arrival of a state central fill shipment at a local health department]~~
- 3075 patient portal facilitates;
- 3076 ~~[(k) the market share of state central fill shipments;]~~
- 3077 (k) the number of overall purchases of medical cannabis and medical cannabis products
- 3078 from each medical cannabis pharmacy;
- 3079 (l) the expenses incurred and revenues generated from the medical cannabis program;
- 3080 and
- 3081 ~~[(m) the expenses incurred and revenues generated from the state central fill medical~~
- 3082 ~~cannabis pharmacy, including a profit and loss statement; and]~~
- 3083 ~~[(n)]~~ (m) an analysis of product availability[-~~including the price differential between~~
- 3084 ~~comparable products;]~~ in medical cannabis pharmacies [~~and the state central fill medical~~
- 3085 ~~cannabis pharmacy]~~.
- 3086 (2) The department may not include personally identifying information in the report
- 3087 described in this section.

Section 50. Section **30-3-10** is amended to read:

30-3-10. Custody of a child -- Custody factors.

- 3089 (1) If a married couple having one or more minor children are separated, or the married
- 3090 couple's marriage is declared void or dissolved, the court shall enter, and has continuing
- 3091 jurisdiction to modify, an order of custody and parent-time.
- 3092
- 3093 (2) In determining any form of custody and parent-time under Subsection (1), the court
- 3094 shall consider the best interest of the child and may consider among other factors the court
- 3095 finds relevant, the following for each parent:
- 3096 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional

3097 abuse, involving the child, the parent, or a household member of the parent;

3098 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet

3099 the developmental needs of the child, including the child's:

3100 (i) physical needs;

3101 (ii) emotional needs;

3102 (iii) educational needs;

3103 (iv) medical needs; and

3104 (v) any special needs;

3105 (c) the parent's capacity and willingness to function as a parent, including:

3106 (i) parenting skills;

3107 (ii) co-parenting skills, including:

3108 (A) ability to appropriately communicate with the other parent;

3109 (B) ability to encourage the sharing of love and affection; and

3110 (C) willingness to allow frequent and continuous contact between the child and the

3111 other parent, except that, if the court determines that the parent is acting to protect the child

3112 from domestic violence, neglect, or abuse, the parent's protective actions may be taken into

3113 consideration; and

3114 (iii) ability to provide personal care rather than surrogate care;

3115 (d) in accordance with Subsection (10), the past conduct and demonstrated moral

3116 character of the parent;

3117 (e) the emotional stability of the parent;

3118 (f) the parent's inability to function as a parent because of drug abuse, excessive

3119 drinking, or other causes;

3120 (g) whether the parent has intentionally exposed the child to pornography or material

3121 harmful to minors, as "material" and "harmful to minors" are defined in Section [76-10-1201](#);

3122 (h) the parent's reasons for having relinquished custody or parent-time in the past;

3123 (i) duration and depth of desire for custody or parent-time;

3124 (j) the parent's religious compatibility with the child;

3125 (k) the parent's financial responsibility;

3126 (l) the child's interaction and relationship with step-parents, extended family members

3127 of other individuals who may significantly affect the child's best interests;

- 3128 (m) who has been the primary caretaker of the child;
- 3129 (n) previous parenting arrangements in which the child has been happy and
- 3130 well-adjusted in the home, school, and community;
- 3131 (o) the relative benefit of keeping siblings together;
- 3132 (p) the stated wishes and concerns of the child, taking into consideration the child's
- 3133 cognitive ability and emotional maturity;
- 3134 (q) the relative strength of the child's bond with the parent, meaning the depth, quality,
- 3135 and nature of the relationship between the parent and the child; and
- 3136 (r) any other factor the court finds relevant.
- 3137 (3) There is a rebuttable presumption that joint legal custody, as defined in Section
- 3138 [30-3-10.1](#), is in the best interest of the child, except in cases when there is:
- 3139 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
- 3140 abuse involving the child, a parent, or a household member of the parent;
- 3141 (b) special physical or mental needs of a parent or child, making joint legal custody
- 3142 unreasonable;
- 3143 (c) physical distance between the residences of the parents, making joint decision
- 3144 making impractical in certain circumstances; or
- 3145 (d) any other factor the court considers relevant including those listed in this section
- 3146 and Section [30-3-10.2](#).
- 3147 (4) (a) The person who desires joint legal custody shall file a proposed parenting plan
- 3148 in accordance with Sections [30-3-10.8](#) and [30-3-10.9](#).
- 3149 (b) A presumption for joint legal custody may be rebutted by a showing by a
- 3150 preponderance of the evidence that it is not in the best interest of the child.
- 3151 (5) (a) A child may not be required by either party to testify unless the trier of fact
- 3152 determines that extenuating circumstances exist that would necessitate the testimony of the
- 3153 child be heard and there is no other reasonable method to present the child's testimony.
- 3154 (b) (i) The court may inquire of the child's and take into consideration the child's
- 3155 desires regarding future custody or parent-time schedules, but the expressed desires are not
- 3156 controlling and the court may determine the child's custody or parent-time otherwise.
- 3157 (ii) The desires of a child 14 years of age or older shall be given added weight, but is
- 3158 not the single controlling factor.

3159 (c) (i) If an interview with a child is conducted by the court pursuant to Subsection
3160 (5)(b), the interview shall be conducted by the judge in camera.

3161 (ii) The prior consent of the parties may be obtained but is not necessary if the court
3162 finds that an interview with a child is the only method to ascertain the child's desires regarding
3163 custody.

3164 (6) (a) Except as provided in Subsection (6)(b), a court may not discriminate against a
3165 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
3166 whether a substantial change has occurred for the purpose of modifying an award of custody.

3167 (b) The court may not consider the disability of a parent as a factor in awarding custody
3168 or modifying an award of custody based on a determination of a substantial change in
3169 circumstances, unless the court makes specific findings that:

3170 (i) the disability significantly or substantially inhibits the parent's ability to provide for
3171 the physical and emotional needs of the child at issue; and

3172 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
3173 available to supplement the parent's ability to provide for the physical and emotional needs of
3174 the child at issue.

3175 (c) Nothing in this section may be construed to apply to adoption proceedings under
3176 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

3177 (7) This section does not establish a preference for either parent solely because of the
3178 gender of the parent.

3179 (8) This section establishes neither a preference nor a presumption for or against joint
3180 physical custody or sole physical custody, but allows the court and the family the widest
3181 discretion to choose a parenting plan that is in the best interest of the child.

3182 (9) When an issue before the court involves custodial responsibility in the event of a
3183 deployment of one or both parents who are servicemembers, and the servicemember has not yet
3184 been notified of deployment, the court shall resolve the issue based on the standards in Sections
3185 78B-20-306 through 78B-20-309.

3186 (10) In considering the past conduct and demonstrated moral standards of each party
3187 under Subsection (2)(d) or any other factor a court finds relevant, the court may not:

3188 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal
3189 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in

3190 accordance with Title 4, Chapter 41a, Cannabis Production Establishments, Title 26, Chapter
3191 61a, Utah Medical Cannabis Act, or Subsection 58-37-3.7(2) or (3) any differently than the
3192 court would consider or treat the lawful possession or use of [~~an opioid or opiate~~] any
3193 prescribed controlled substance; or

- 3194 (b) discriminate against a parent because of the parent's status as a:
- 3195 (i) cannabis production establishment agent, as that term is defined in Section
3196 4-41a-102;
- 3197 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;
- 3198 (iii) [~~state central fill~~] medical cannabis courier agent, as that term is defined in Section
3199 26-61a-102; or
- 3200 (iv) medical cannabis cardholder in accordance with Title 26, Chapter 61a, Utah
3201 Medical Cannabis Act.

3202 Section 51. Section **58-17b-302** is amended to read:

3203 **58-17b-302. License required -- License classifications for pharmacy facilities.**

- 3204 (1) A license is required to act as a pharmacy, except:
- 3205 (a) as specifically exempted from licensure under Section 58-1-307; and
- 3206 (b) for the operation of a medical cannabis pharmacy [~~or the state central fill medical~~
3207 ~~cannabis pharmacy~~] under Title 26, Chapter 61a, Utah Medical Cannabis Act.

3208 (2) The division shall issue a pharmacy license to a facility that qualifies under this
3209 chapter in the classification of a:

- 3210 (a) class A pharmacy;
- 3211 (b) class B pharmacy;
- 3212 (c) class C pharmacy;
- 3213 (d) class D pharmacy;
- 3214 (e) class E pharmacy; or
- 3215 (f) dispensing medical practitioner clinic pharmacy.
- 3216 (3) (a) Each place of business shall require a separate license.
- 3217 (b) If multiple pharmacies exist at the same address, a separate license shall be required
3218 for each pharmacy.
- 3219 (4) (a) The division may further define or supplement the classifications of pharmacies.
- 3220 (b) The division may impose restrictions upon classifications to protect the public

3221 health, safety, and welfare.

3222 (5) Each pharmacy~~[-including the state central fill medical cannabis pharmacy,]~~ shall
3223 have a pharmacist-in-charge, except as otherwise provided by rule.

3224 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
3225 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
3226 of the pharmacy, regardless of the form of the business organization.

3227 Section 52. Section **58-17b-310** is amended to read:

3228 **58-17b-310. Continuing education.**

3229 (1) The division in collaboration with the board may establish by rule continuing
3230 education requirements for each classification of licensure under this chapter.

3231 (2) The division shall accept and apply toward an hour requirement that the division
3232 establishes under Subsection (1) continuing education that a pharmacist completes in
3233 accordance with ~~[Sections]~~ Section 26-61a-403 ~~[and 26-61a-601]~~.

3234 Section 53. Section **58-17b-502** is amended to read:

3235 **58-17b-502. Unprofessional conduct.**

3236 (1) "Unprofessional conduct" includes:

3237 (a) willfully deceiving or attempting to deceive the division, the board, or their agents
3238 as to any relevant matter regarding compliance under this chapter;

3239 (b) except as provided in Subsection (2):

3240 (i) paying or offering rebates to practitioners or any other health care providers, or
3241 receiving or soliciting rebates from practitioners or any other health care provider; or

3242 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
3243 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
3244 provider, for the purpose of obtaining referrals;

3245 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
3246 dispensing of any outdated, misbranded, or adulterated drug or device;

3247 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
3248 bearing the inscription "sample" or "not for resale" or similar words or phrases;

3249 (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription Drug
3250 Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it has
3251 left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section

- 3252 [58-17b-503](#), or the manufacturer's sealed container, as defined in rule;
- 3253 (f) an act in violation of this chapter committed by a person for any form of
3254 compensation if the act is incidental to the person's professional activities, including the
3255 activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 3256 (g) violating:
- 3257 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 3258 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
- 3259 (iii) rules or regulations adopted under either act;
- 3260 (h) requiring or permitting pharmacy interns or technicians to engage in activities
3261 outside the scope of practice for their respective license classifications, as defined in this
3262 chapter and division rules made in collaboration with the board, or beyond their scope of
3263 training and ability;
- 3264 (i) administering:
- 3265 (i) without appropriate training, as defined by rule;
- 3266 (ii) without a physician's order, when one is required by law; and
- 3267 (iii) in conflict with a practitioner's written guidelines or written protocol for
3268 administering;
- 3269 (j) disclosing confidential patient information in violation of the provisions of the
3270 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
3271 1936, as amended, or other applicable law;
- 3272 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
3273 the pharmacist-in-charge;
- 3274 (l) failing to report to the division any adverse action taken by another licensing
3275 jurisdiction, government agency, law enforcement agency, or court for conduct that in
3276 substance would be considered unprofessional conduct under this section;
- 3277 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
3278 form which is regularly and commonly available from a manufacturer in quantities and
3279 strengths prescribed by a practitioner;
- 3280 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
3281 when dispensing a self-administered hormonal contraceptive under a standing order; and
- 3282 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

- 3283 (2) Subsection (1)(b) does not apply to:
- 3284 (a) giving or receiving a price discount based on purchase volume;
- 3285 (b) passing along a pharmaceutical manufacturer's rebate; or
- 3286 (c) providing compensation for services to a veterinarian.
- 3287 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
- 3288 61a, Utah Medical Cannabis Act:
- 3289 (a) when registered as a pharmacy medical provider, as that term is defined in Section
- 3290 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
- 3291 (b) when ~~registered~~ acting as a state central ~~fill~~ patient portal medical provider, as
- 3292 that term is defined in Section 26-61a-102, providing state central ~~fill~~ patient portal medical
- 3293 provider services ~~[in the state central fill medical cannabis pharmacy]~~.
- 3294 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
- 3295 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
- 3296 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).
- 3297 Section 54. Section 58-37-3.7 is amended to read:
- 3298 **58-37-3.7. Medical cannabis decriminalization.**
- 3299 (1) As used in this section:
- 3300 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 3301 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 3302 (c) "Medical cannabis card" means the same as that term is defined in Section
- 3303 26-61a-102.
- 3304 (d) "Medical cannabis device" means the same as that term is defined in Section
- 3305 26-61a-102.
- 3306 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 3307 26-61a-102.
- 3308 (f) "Medicinal dosage form" means the same as that term is defined in Section
- 3309 26-61a-102.
- 3310 (g) "Qualified medical provider" means the same as that term is defined in Section
- 3311 26-61a-102.
- 3312 (h) "Qualifying condition" means the same as that term is defined in Section
- 3313 26-61a-102.

3314 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
3315 58-37-3.9.

3316 (2) Before January 1, 2021, an individual is not guilty under this chapter for the use or
3317 possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

3318 (a) at the time of the arrest or citation, the individual:

3319 (i) (A) had been diagnosed with a qualifying condition; and
3320 (B) had a pre-existing provider-patient relationship with an advanced practice
3321 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed
3322 under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,
3323 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
3324 Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness
3325 described in Subsection (2)(a)(i)(A) could benefit from the use in question;

3326 (ii) for possession, was:

3327 (A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who
3328 is a minor; or
3329 (B) the spouse of an individual described in Subsection (2)(a)(i); or
3330 (iii) (A) for possession, was a medical cannabis cardholder; or
3331 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying
3332 condition under the supervision of a medical cannabis guardian cardholder; and
3333 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in one of the
3334 following amounts:

3335 (i) no more than 56 grams by weight of unprocessed cannabis; or
3336 (ii) an amount of cannabis products that contains, in total, no more than 10 grams of
3337 total composite tetrahydrocannabinol.

3338 (3) An individual is not guilty under this chapter for the use or possession of
3339 marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

3340 (a) at the time of the arrest or citation, the individual:

3341 (i) was not a resident of Utah or has been a resident of Utah for less than 45 days;
3342 (ii) had a currently valid medical cannabis card or the equivalent of a medical cannabis
3343 card under the laws of another state, district, territory, commonwealth, or insular possession of
3344 the United States; and

3345 (iii) had been diagnosed with a qualifying condition as described in Section
3346 26-61a-104; and

3347 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in [a quantity
3348 described in Subsection 26-61a-502(2).] one of the following amounts:

3349 (i) no more than 113 grams by weight of unprocessed cannabis; or

3350 (ii) an amount of cannabis products that contains, in total, no more than 20 grams of
3351 total composite tetrahydrocannabinol.

3352 Section 55. Section 58-37-3.8 is amended to read:

3353 **58-37-3.8. Enforcement.**

3354 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for
3355 an officially designated drug enforcement task force regarding conduct that is not in accordance
3356 with Title 26, Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local
3357 resources, including the officer's time, to:

3358 (a) effect any arrest or seizure of cannabis, as that term is defined in Section
3359 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to
3360 constitute a violation of federal law if the officer has reason to believe that the activity is in
3361 compliance with the state medical cannabis laws;

3362 (b) enforce a law that restricts an individual's right to acquire, own, or possess a
3363 firearm based solely on the individual's possession or use of cannabis in accordance with state
3364 medical cannabis laws; or

3365 (c) provide any information or logistical support related to an activity described in
3366 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

3367 (2) An agency or political subdivision of the state may not take an adverse action
3368 against a person for providing a professional service to a medical cannabis pharmacy, as that
3369 term is defined in Section 26-61a-102, the state central [~~fill medical cannabis pharmacy~~
3370 patient portal], as that term is defined in Section 26-61a-102, or a cannabis production
3371 establishment, as that term is defined in Section 4-41a-102, on the sole basis that the service is
3372 a violation of federal law.

3373 Section 56. Section 58-37-3.9 is amended to read:

3374 **58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying**
3375 **illness.**

- 3376 (1) As used in this section:
- 3377 (a) "Cannabis" means marijuana.
- 3378 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 3379 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3](#).
- 3380 (d) "Medical cannabis cardholder" means the same as that term is defined in Section
- 3381 [26-61a-102](#).
- 3382 (e) "Medical cannabis device" means the same as that term is defined in Section
- 3383 [26-61a-102](#).
- 3384 (f) " Medicinal dosage form" means the same as that term is defined in Section
- 3385 [26-61a-102](#).
- 3386 (g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
- 3387 description as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).
- 3388 (2) Notwithstanding any other provision of law, except as otherwise provided in this
- 3389 section:
- 3390 (a) an individual is not guilty of a violation of this title for the following conduct if the
- 3391 individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis
- 3392 Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:
- 3393 (i) possessing, ingesting, inhaling, producing, manufacturing, dispensing, distributing,
- 3394 selling, or offering to sell cannabis or a cannabis product; or
- 3395 (ii) possessing cannabis or a cannabis product with the intent to engage in the conduct
- 3396 described in Subsection (2)(a)(i); and
- 3397 (b) an individual is not guilty of a violation of this title regarding drug paraphernalia if
- 3398 the individual, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments,
- 3399 and Title 26, Chapter 61a, Utah Medical Cannabis Act:
- 3400 (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis
- 3401 device; or
- 3402 (ii) possesses a medical cannabis device with the intent to engage in any of the conduct
- 3403 described in Subsection (2)(b)(i).
- 3404 (3) (a) As used in this Subsection (3), "smoking" does not include the vaporization or
- 3405 heating of medical cannabis.
- 3406 (b) Title 26, Chapter 61a, Utah Medical Cannabis Act, does not authorize a medical

3407 cannabis cardholder to smoke or combust cannabis or to use a device to facilitate the smoking
3408 or combustion of cannabis.

3409 (c) A medical cannabis cardholder who smokes cannabis or engages in any other
3410 conduct described in Subsection (3)(b):

3411 (i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah
3412 Medical Cannabis Act; and

3413 (ii) is subject to charges under this chapter for the use or possession of marijuana,
3414 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection
3415 (3)(b).

3416 (4) An individual who is assessed a penalty or convicted of a crime under Title 4,
3417 Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah Medical
3418 Cannabis Act, is not, based on the conduct underlying that penalty or conviction, subject to a
3419 penalty described in this chapter for:

3420 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis
3421 product; or

3422 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

3423 Section 57. Section **58-67-304** is amended to read:

3424 **58-67-304. License renewal requirements.**

3425 (1) As a condition precedent for license renewal, each licensee shall, during each
3426 two-year licensure cycle or other cycle defined by division rule:

3427 (a) complete qualified continuing professional education requirements in accordance
3428 with the number of hours and standards defined by division rule made in collaboration with the
3429 board;

3430 (b) appoint a contact person for access to medical records and an alternate contact
3431 person for access to medical records in accordance with Subsection [58-67-302\(1\)\(j\)](#);

3432 (c) if the licensee practices medicine in a location with no other persons licensed under
3433 this chapter, provide some method of notice to the licensee's patients of the identity and
3434 location of the contact person and alternate contact person for the licensee; and

3435 (d) if the licensee is an associate physician licensed under Section [58-67-302.8](#),
3436 successfully complete the educational methods and programs described in Subsection
3437 [58-67-807\(4\)](#).

3438 (2) If a renewal period is extended or shortened under Section [58-67-303](#), the
3439 continuing education hours required for license renewal under this section are increased or
3440 decreased proportionally.

3441 (3) An application to renew a license under this chapter shall:

3442 (a) require a physician to answer the following question: "Do you perform elective
3443 abortions in Utah in a location other than a hospital?"; and

3444 (b) immediately following the question, contain the following statement: "For purposes
3445 of the immediately preceding question, elective abortion means an abortion other than one of
3446 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
3447 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
3448 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
3449 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
3450 the woman is pregnant as a result of rape or incest."

3451 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
3452 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
3453 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
3454 division shall, within 30 days after the day on which it renews the physician's license under this
3455 chapter, inform the Department of Health in writing:

3456 (a) of the name and business address of the physician; and

3457 (b) that the physician responded positively to the question described in Subsection
3458 (3)(a).

3459 (5) The division shall accept and apply toward the hour requirement in Subsection
3460 (1)(a) any continuing education that a physician completes in accordance with Sections
3461 [26-61a-106](#), [26-61a-403](#), and [~~26-61a-601~~] [26-61a-602](#).

3462 Section 58. Section **58-67-502** is amended to read:

3463 **58-67-502. Unprofessional conduct.**

3464 (1) "Unprofessional conduct" includes, in addition to the definition in Section
3465 [58-1-501](#):

3466 (a) using or employing the services of any individual to assist a licensee in any manner
3467 not in accordance with the generally recognized practices, standards, or ethics of the
3468 profession, state law, or division rule;

3469 (b) making a material misrepresentation regarding the qualifications for licensure under
 3470 Section 58-67-302.7 or Section 58-67-302.8;

3471 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
 3472 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; or

3473 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

3474 (2) "Unprofessional conduct" does not include:

3475 (a) in compliance with Section 58-85-103:

3476 (i) obtaining an investigational drug or investigational device;

3477 (ii) administering the investigational drug to an eligible patient; or

3478 (iii) treating an eligible patient with the investigational drug or investigational device;

3479 or

3480 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

3481 (i) when registered as a qualified medical provider, as that term is defined in Section
 3482 26-61a-102, recommending the use of medical cannabis;

3483 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
 3484 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

3485 (iii) when registered as a state central ~~[fill]~~ patient portal medical provider, as that term
 3486 is defined in Section 26-61a-102, providing state central ~~[fill]~~ patient portal medical provider
 3487 services ~~[in the state central fill medical cannabis pharmacy]~~.

3488 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
 3489 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
 3490 unprofessional conduct for a ~~[pharmacist]~~ physician described in Subsection (2)(b).

3491 Section 59. Section 58-68-304 is amended to read:

3492 **58-68-304. License renewal requirements.**

3493 (1) As a condition precedent for license renewal, each licensee shall, during each
 3494 two-year licensure cycle or other cycle defined by division rule:

3495 (a) complete qualified continuing professional education requirements in accordance
 3496 with the number of hours and standards defined by division rule in collaboration with the
 3497 board;

3498 (b) appoint a contact person for access to medical records and an alternate contact
 3499 person for access to medical records in accordance with Subsection 58-68-302(1)(j);

3500 (c) if the licensee practices osteopathic medicine in a location with no other persons
3501 licensed under this chapter, provide some method of notice to the licensee's patients of the
3502 identity and location of the contact person and alternate contact person for access to medical
3503 records for the licensee in accordance with Subsection [58-68-302\(1\)\(k\)](#); and

3504 (d) if the licensee is an associate physician licensed under Section [58-68-302.5](#),
3505 successfully complete the educational methods and programs described in Subsection
3506 [58-68-807\(4\)](#).

3507 (2) If a renewal period is extended or shortened under Section [58-68-303](#), the
3508 continuing education hours required for license renewal under this section are increased or
3509 decreased proportionally.

3510 (3) An application to renew a license under this chapter shall:

3511 (a) require a physician to answer the following question: "Do you perform elective
3512 abortions in Utah in a location other than a hospital?"; and

3513 (b) immediately following the question, contain the following statement: "For purposes
3514 of the immediately preceding question, elective abortion means an abortion other than one of
3515 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
3516 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
3517 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
3518 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
3519 the woman is pregnant as a result of rape or incest."

3520 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
3521 to the licensing of an abortion clinic, if a physician responds positively to the question
3522 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
3523 renews the physician's license under this chapter, inform the Department of Health in writing:

3524 (a) of the name and business address of the physician; and

3525 (b) that the physician responded positively to the question described in Subsection
3526 (3)(a).

3527 (5) The division shall accept and apply toward the hour requirement in Subsection
3528 (1)(a) any continuing education that a physician completes in accordance with Sections
3529 [26-61a-106](#), [26-61a-403](#), and [~~[26-61a-601](#)~~] [26-61a-602](#).

3530 Section 60. Section **58-68-502** is amended to read:

3531 **58-68-502. Unprofessional conduct.**

3532 (1) "Unprofessional conduct" includes, in addition to the definition in Section
3533 58-1-501:

3534 (a) using or employing the services of any individual to assist a licensee in any manner
3535 not in accordance with the generally recognized practices, standards, or ethics of the
3536 profession, state law, or division rule;

3537 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
3538 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

3539 (c) making a material misrepresentation regarding the qualifications for licensure under
3540 Section 58-68-302.5; or

3541 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

3542 (2) "Unprofessional conduct" does not include:

3543 (a) in compliance with Section 58-85-103:

3544 (i) obtaining an investigational drug or investigational device;

3545 (ii) administering the investigational drug to an eligible patient; or

3546 (iii) treating an eligible patient with the investigational drug or investigational device;

3547 or

3548 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

3549 (i) when registered as a qualified medical provider, as that term is defined in Section
3550 26-61a-102, recommending the use of medical cannabis;

3551 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
3552 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

3553 (iii) when registered as a state central ~~[fill]~~ patient portal medical provider, as that term
3554 is defined in Section 26-61a-102, providing state central ~~[fill]~~ patient portal medical provider
3555 services [~~in the state central fill medical cannabis pharmacy~~].

3556 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
3557 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
3558 unprofessional conduct for a ~~[pharmacist]~~ physician described in Subsection (2)(b).

3559 Section 61. Section 59-12-104.10 is amended to read:

3560 **59-12-104.10. Exemption from sales tax for cannabis.**

3561 (1) As used in this section:

- 3562 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 3563 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 3564 (c) "Medical cannabis device" means the same as that term is defined in Section
- 3565 [26-61a-102](#).
- 3566 (d) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 3567 [26-61a-102](#).
- 3568 (e) "Medicinal dosage form" means the same as that term is defined in Section
- 3569 [26-61a-102](#).

3570 ~~[(f) "State central fill medical cannabis pharmacy" means the same as that term is~~
 3571 ~~defined in Section [26-61a-102](#).]~~

3572 (2) In addition to the exemptions described in Section [59-12-104](#), the sale by a licensed
 3573 medical cannabis pharmacy [~~or the state central fill medical cannabis pharmacy~~] of the
 3574 following is not subject to the taxes this chapter imposes:

- 3575 (a) cannabis in a medicinal dosage form; or
- 3576 (b) a cannabis product in a medicinal dosage form.

3577 (3) The sale of a medical cannabis device by a medical cannabis pharmacy [~~or the state~~
 3578 ~~central fill medical cannabis pharmacy~~] is subject to the taxes this chapter imposes.

3579 Section 62. Section **78A-2-231** is enacted to read:

3580 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

3581 (1) As used in this section:

- 3582 (a) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 3583 (b) "Dosing parameters" means the same as that term is defined in Section [26-61a-102](#).
- 3584 (c) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 3585 (d) "Medical cannabis card" means the same as that term is defined in Section

3586 [26-61a-102](#).

3587 (e) "Medical cannabis device" means the same as that term is defined in Section
 3588 [26-61a-102](#).

3589 (f) "Qualified medical provider" means the same as that term is defined in Section
 3590 [26-61a-102](#).

3591 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
 3592 makes a finding, determination, or otherwise considers an individual's possession or use of

3593 medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or
3594 court commissioner may not consider or treat the individual's possession or use any differently
3595 than the lawful possession or use of any prescribed controlled substance if:

3596 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
3597 Establishments;

3598 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3599 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3600 Medical Cannabis Act; and

3601 (ii) the individual reasonably complies with the dosing parameters determined by the
3602 individual's qualified medical provider or through a consultation described in Subsection
3603 26-61a-502(4) or (5).

3604 (3) Notwithstanding Sections 77-18-1 and 77-2a-3, for probation, release, a plea in
3605 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
3606 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
3607 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
3608 device, either directly or through a general prohibition on violating federal law, without an
3609 exception related to medical cannabis use, if the individual's use or possession complies with:

3610 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3611 (b) Subsection 58-37-3.7(2) or (3).

3612 Section 63. Section 78A-6-115 is amended to read:

3613 **78A-6-115. Hearings -- Record -- County attorney or district attorney**
3614 **responsibilities -- Attorney general responsibilities -- Disclosure -- Admissibility of**
3615 **evidence -- Medical Cannabis.**

3616 (1) (a) A verbatim record of the proceedings shall be taken in all cases that might result
3617 in deprivation of custody as defined in this chapter. In all other cases a verbatim record shall
3618 also be made unless dispensed with by the court.

3619 (b) (i) Notwithstanding any other provision, including Title 63G, Chapter 2,
3620 Government Records Access and Management Act, a record of a proceeding made under
3621 Subsection (1)(a) shall be released by the court to any person upon a finding on the record for
3622 good cause.

3623 (ii) Following a petition for a record of a proceeding made under Subsection (1)(a), the

3624 court shall:

3625 (A) provide notice to all subjects of the record that a request for release of the record
3626 has been made; and

3627 (B) allow sufficient time for the subjects of the record to respond before making a
3628 finding on the petition.

3629 (iii) A record of a proceeding may not be released under this Subsection (1)(b) if the
3630 court's jurisdiction over the subjects of the proceeding ended more than 12 months before the
3631 request.

3632 (iv) For purposes of this Subsection (1)(b):

3633 (A) "record of a proceeding" does not include documentary materials of any type
3634 submitted to the court as part of the proceeding, including items submitted under Subsection
3635 (4)(a); and

3636 (B) "subjects of the record" includes the child's guardian ad litem, the child's legal
3637 guardian, the Division of Child and Family Services, and any other party to the proceeding.

3638 (2) (a) Except as provided in Subsection (2)(b), the county attorney or, if within a
3639 prosecution district, the district attorney shall represent the state in any proceeding in a minor's
3640 case.

3641 (b) Subject to the attorney general's prosecutorial discretion in civil enforcement
3642 actions, the attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child and
3643 Family Services, and this chapter, relating to:

3644 (i) protection or custody of an abused, neglected, or dependent child; and

3645 (ii) petitions for termination of parental rights.

3646 (c) The attorney general shall represent the Division of Child and Family Services in
3647 actions involving a minor who is not adjudicated as abused or neglected, but who is receiving
3648 in-home family services under Section 78A-6-117.5. Nothing in this Subsection (2)(c) may be
3649 construed to affect the responsibility of the county attorney or district attorney to represent the
3650 state in those matters, in accordance with Subsection (2)(a).

3651 (3) The board may adopt special rules of procedure to govern proceedings involving
3652 violations of traffic laws or ordinances, wildlife laws, and boating laws. However, proceedings
3653 involving offenses under Section 78A-6-606 are governed by that section regarding suspension
3654 of driving privileges.

3655 (4) (a) For the purposes of determining proper disposition of the minor in dispositional
3656 hearings and establishing the fact of abuse, neglect, or dependency in adjudication hearings and
3657 in hearings upon petitions for termination of parental rights, written reports and other material
3658 relating to the minor's mental, physical, and social history and condition may be received in
3659 evidence and may be considered by the court along with other evidence. The court may require
3660 that the person who wrote the report or prepared the material appear as a witness if the person
3661 is reasonably available.

3662 (b) For the purpose of determining proper disposition of a minor alleged to be or
3663 adjudicated as abused, neglected, or dependent, dispositional reports prepared by the division
3664 under Section 78A-6-315 may be received in evidence and may be considered by the court
3665 along with other evidence. The court may require any person who participated in preparing the
3666 dispositional report to appear as a witness, if the person is reasonably available.

3667 (5) (a) In an abuse, neglect, or dependency proceeding occurring after the
3668 commencement of a shelter hearing under Section 78A-6-306 or the filing of a petition under
3669 Section 78A-6-304, each party to the proceeding shall provide in writing to the other parties or
3670 their counsel any information which the party:

3671 (i) plans to report to the court at the proceeding; or

3672 (ii) could reasonably expect would be requested of the party by the court at the
3673 proceeding.

3674 (b) The disclosure required under Subsection (5)(a) shall be made:

3675 (i) for dispositional hearings under Sections 78A-6-311 and 78A-6-312, no less than
3676 five days before the proceeding;

3677 (ii) for proceedings under Chapter 6, Part 5, Termination of Parental Rights Act, in
3678 accordance with Utah Rules of Civil Procedure; and

3679 (iii) for all other proceedings, no less than five days before the proceeding.

3680 (c) If a party to a proceeding obtains information after the deadline in Subsection
3681 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the
3682 party certifies to the court that the information was obtained after the deadline.

3683 (d) Subsection (5)(a) does not apply to:

3684 (i) pretrial hearings; and

3685 (ii) the frequent, periodic review hearings held in a dependency drug court case to

3686 assess and promote the parent's progress in substance use disorder treatment.

3687 (6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court
3688 may, in its discretion, consider evidence of statements made by a child under eight years of age
3689 to a person in a trust relationship.

3690 (7) (a) As used in this Subsection (7):

3691 (i) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

3692 (ii) "Dosing parameters" means the same as that term is defined in Section [26-61a-102](#).

3693 (iii) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

3694 (iv) "Medical cannabis cardholder" means the same as that term is defined in Section
3695 [26-61a-102](#).

3696 (v) "Qualified medical provider" means the same as that term is defined in Section
3697 [26-61a-102](#).

3698 (b) A parent's or guardian's use of medical cannabis or a cannabis product is not abuse
3699 or neglect of a child under Section [78A-6-105](#), nor is it contrary to the best interests of a child,
3700 if:

3701 (i) (A) for a medical cannabis cardholder after January 1, 2021, the parent's or
3702 guardian's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act,
3703 and there is no evidence that the parent's or guardian's use of medical cannabis unreasonably
3704 deviates from the dosing parameters determined by the parent's or guardian's qualified medical
3705 provider or through a consultation described in Subsection [26-61a-502](#)(4) or (5); or

3706 (B) before January 1, 2021, the parent's or guardian's possession or use complies with
3707 Subsection [58-37-3.7](#)(2) or (3); and

3708 (ii) (A) there is no evidence showing that the child has inhaled, ingested, or otherwise
3709 had cannabis introduced to the child's body;

3710 (B) there is no evidence showing a nexus between the parent's or guardian's use of
3711 medical cannabis or a cannabis product and behavior that would separately constitute abuse or
3712 neglect of the child; or

3713 (C) there is evidence showing a nexus between the parent's or guardian's use of medical
3714 cannabis or a cannabis product and behavior that would separately constitute abuse or neglect
3715 of the child, but the court would not consider the behavior to be abuse or neglect if the
3716 behavior resulted from the use of a prescribed controlled substance.

3717 Section 64. **Repealer.**
3718 This bill repeals:
3719 Section **26-61a-110, Qualified Distribution Enterprise Fund -- Creation.**
3720 Section **26-61a-205, Lost or stolen medical cannabis card.**
3721 Section **26-61a-608, Department to set state central fill medical cannabis pharmacy**
3722 **prices.**
3723 Section **26-61a-609, Partial filling.**
3724 Section **26-61a-610, Records -- Inspections.**
3725 Section **26-61a-611, Advertising.**
3726 Section **26-65-101, Title.**
3727 Section **26-65-102, Definitions.**
3728 Section **26-65-103, Medicinal dosage form.**
3729 Section **26-65-201, Insurance coverage.**
3730 Section **26-65-202, Rules -- Report to the Legislature.**
3731 Section 65. **Effective date.**
3732 If approved by two-thirds of all the members elected to each house, this bill takes effect
3733 upon approval by the governor, or the day following the constitutional time limit of Utah
3734 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
3735 the date of veto override.
3736 Section 66. **Revisor instructions.**
3737 The Legislature intends that the Office of Legislative Research and General Counsel, in
3738 preparing the Utah Code database for publication, in Section 4-41a-201, replace the language
3739 from "the effective date of this bill" to the bill's actual effective date.