

57 advertising;

58 ▶ allows an emancipated minor to enter a medical cannabis pharmacy and amends
59 other access provisions;

60 ▶ modifies a medical cannabis pharmacy labeling requirement;

61 ▶ clarifies information a qualified medical provider must submit if the qualified
62 medical provider intends for a pharmacy medical provider to determine directions

63 of use and dosing guidelines for a medical cannabis recommendation;

64 ▶ requires a medical cannabis pharmacy to provide an opaque bag ~~Ĥ→~~ or box ~~←Ĥ~~ in
64a which a medical

65 cannabis cardholder is required to keep a container of medical cannabis while

66 transporting the container in public;

67 ▶ amends provisions governing what a medical cannabis pharmacy may and may not
68 give at no cost;

69 ▶ repeals an outdated method for a patient to obtain medical cannabis without a
70 medical cannabis card;

71 ▶ amends provisions regarding a medical cannabis pharmacy's logo, advertising, and
72 educational events;

73 ▶ clarifies that a person is not prohibited from selling a medical cannabis device
74 within the state; and

75 ▶ makes technical and conforming changes.

76 **Money Appropriated in this Bill:**

77 None

78 **Other Special Clauses:**

79 This bill provides a special effective date.

80 This bill coordinates with S.B. 170, Consumer Protection for Cannabis Patients, by
81 providing substantive amendments.

82 **Utah Code Sections Affected:**

83 AMENDS:

84 **4-41a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
85 by Coordination Clause, Laws of Utah 2020, Chapter 148

86 **4-41a-201**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
87 by Coordination Clause, Laws of Utah 2020, Chapter 148

1142 specific and consistent cannabinoid content:

1143 (A) a tablet;

1144 (B) a capsule;

1145 (C) a concentrated liquid or viscous oil;

1146 (D) a liquid suspension;

1147 (E) a topical preparation;

1148 (F) a transdermal preparation;

1149 (G) a sublingual preparation;

1150 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

1151 rectangular cuboid shape; or

1152 (I) a resin or wax;

1153 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

1154 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
1155 stated weight at the time of packaging;

1156 (B) at any time the medical cannabis cardholder transports or possesses the container in
1157 public, is contained within an opaque~~[, child-resistant]~~ bag ~~Ĥ~~→ or box ←~~Ĥ~~ that the medical
1157a cannabis pharmacy

1158 provides; and

1159 (C) is labeled with the container's content and weight, the date of purchase, the legal
1160 use termination date, and after December 31, 2020, a barcode that provides information
1161 connected to an inventory control system; and

1162 (iii) a form measured in grams, milligrams, or milliliters.

1163 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1164 (i) the medical cannabis cardholder has recently removed from the container described
1165 in Subsection [~~(32)(a)(ii)~~] (38)(a)(ii) for use; and

1166 (ii) does not exceed the quantity described in Subsection [~~(32)(a)(ii)~~] (38)(a)(ii).

1167 (c) "Medicinal dosage form" does not include:

1168 (i) any unprocessed cannabis flower outside of the container described in Subsection
1169 [~~(32)(a)(ii)~~] (38)(a)(ii), except as provided in Subsection [~~(32)~~] (38)(b);

1170 (ii) any unprocessed cannabis flower in a container described in Subsection
1171 [~~(32)(a)(ii)~~] (38)(a)(ii) after the legal use termination date; or

1172 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis

- 2041 (iii) a statement that the applicant will obtain and maintain a performance bond that a
2042 surety authorized to transact surety business in the state issues in an amount of at least
2043 ~~Ĥ~~→ [~~\$125,000~~] \$100,000 ←~~Ĥ~~ for each application that the applicant submits to the department;
- 2044 (iv) an operating plan that:
- 2045 (A) complies with Section 26-61a-304;
- 2046 (B) includes operating procedures to comply with the operating requirements for a
2047 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
2048 law that is consistent with Section 26-61a-507; and
- 2049 (C) the department approves;
- 2050 (v) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
2051 department sets in accordance with Section 63J-1-504; and
- 2052 (vi) a description of any investigation or adverse action taken by any licensing
2053 jurisdiction, government agency, law enforcement agency, or court in any state for any
2054 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
2055 or businesses.
- 2056 (c) (i) A person may not locate a medical cannabis pharmacy:
- 2057 (A) within 200 feet of a community location; or
- 2058 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
2059 as primarily residential.
- 2060 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
2061 from the nearest entrance to the medical cannabis pharmacy establishment by following the
2062 shortest route of ordinary pedestrian travel to the property boundary of the community location
2063 or residential area.
- 2064 (iii) The department may grant a waiver to reduce the proximity requirements in
2065 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
2066 for the applicant to site the proposed medical cannabis pharmacy without the waiver.
- 2067 (iv) An applicant for a license under this section shall provide evidence of compliance
2068 with the proximity requirements described in Subsection (2)(c)(i).
- 2069 (d) The department may not issue a license to an eligible applicant that the department
2070 has selected to receive a license until the selected eligible applicant obtains the performance
2071 bond described in Subsection (2)(b)(iii).

2506 (D) potential adverse reactions.

2507 (5) (a) A state central patient portal medical provider may provide the consultation and
2508 make the determination described in Subsection (4)(b) for a medical cannabis patient
2509 cardholder regarding an electronic order that the state central patient portal facilitates.

2510 (b) The state central patient portal medical provider described in Subsection (5)(a)
2511 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)
2512 in the pertinent medical records.

2513 (6) (a) A medical cannabis pharmacy shall:

2514 ~~[(a)-(i)]~~ (i) (A) access the state electronic verification system before dispensing
2515 cannabis or a cannabis product to a medical cannabis cardholder in order to determine if the
2516 cardholder or, where applicable, the associated patient has met the maximum amount of
2517 medical cannabis described in Subsection (2); and

2518 ~~[(i)]~~ (B) if the verification in Subsection (6)(a)(i) indicates that the individual has met
2519 the maximum amount described in Subsection (2)~~[-(A)]~~, decline the sale~~[-];~~ and ~~[(B)]~~ notify the
2520 qualified medical provider who made the underlying recommendation;

2521 ~~[(b)]~~ (ii) submit a record to the state electronic verification system each time the
2522 medical cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

2523 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
2524 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
2525 accordance with pharmacy practice standards;

2526 ~~[(c)]~~ (iv) package any medical cannabis that is in a container that:

2527 ~~[(i)]~~ (A) complies with Subsection 4-41a-602(2) or, if applicable,
2528 26-61a-102~~[(32)]~~(39)(a)(ii);

2529 ~~[(i)]~~ (B) is tamper-resistant and tamper-evident; and

2530 ~~[(iii)]~~ ~~opaque; and~~

2531 (C) provides an opaque bag ~~H→~~ or box ~~←H~~ for the medical cannabis cardholder's use in
2531a transporting

2532 the container in public; and

2533 ~~[(d)]~~ (v) for a product that is a cube that is designed for ingestion through chewing or
2534 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
2535 of over-consumption.

2536 (b) A medical cannabis cardholder transporting or possessing the container described

2537 in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag ~~H~~→ or box ←~~H~~
 2537a that the
 2538 medical cannabis pharmacist provides.

2539 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
 2540 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
 2541 intentionally designed or constructed to resemble a cigarette.

2542 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
 2543 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
 2544 individual's respiratory system.

2545 (8) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
 2546 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

2547 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
 2548 the medical use of cannabis.

2549 (9) The department may impose a uniform fee on each medical cannabis transaction in
 2550 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
 2551 department sets in accordance with Section 63J-1-504.

2552 [~~(10) (a) Except as provided in Subsection (10)(b), until December 31, 2020, an~~
 2553 ~~individual may purchase up to the legal dosage limit of an item listed in Subsection (1)(a) from~~
 2554 ~~a licensed medical cannabis pharmacy if:]~~

2555 [~~(i) the individual presents to the medical cannabis pharmacy a letter from the medical~~
 2556 ~~professional described in Subsection 58-37-3.7(2)(a)(i)(B) that indicates the medical~~
 2557 ~~professional's medical cannabis recommendation for the individual;]~~

2558 [~~(ii) the medical cannabis pharmacy receives independent confirmation from the~~
 2559 ~~medical professional described in Subsection (10)(a)(i) or an employee of the medical~~
 2560 ~~professional that the letter is valid;]~~

2561 [~~(iii) the medical cannabis pharmacy:]~~

2562 [~~(A) scans or photocopies the individual's letter and the individual's valid form of~~
 2563 ~~photo identification;]~~

2564 [~~(B) creates a record of the transaction, including the documents described in~~
 2565 ~~Subsection (10)(a)(iii)(A), the date of purchase, and the type and quantity of medical cannabis~~
 2566 ~~the individual purchased; and]~~

2567 [~~(C) provides information to the individual about obtaining a medical cannabis card;~~