

Representative Raymond P. Ward proposes the following substitute bill:

CONSUMER PROTECTION FOR CANNABIS PATIENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Raymond P. Ward

LONG TITLE

General Description:

This bill amends provisions relating to patient access to medical cannabis recommendations from medical providers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends a labeling requirement for consistency;
- ▶ allows a licensed podiatrist to recommend medical cannabis within the course and scope of a practice of podiatry;
- ▶ requires the state electronic verification system to allow a medical cannabis pharmacy to record a medical cannabis recommendation from a limited medical provider;
- ▶ allows certain medical providers to operate as limited medical providers to recommend cannabis to a limited number of the provider's patients without registering with the Department of Health (department) as a qualified medical provider (QMP);
- ▶ requires QMPs, entities that employ QMPs, and applicants for a QMP registration to provide certain information to the department regarding fees charged to a patient



- 26 for a medical cannabis recommendation;
- 27 ▶ requires the department to provide certain information, in coordination with a health
- 28 care transparency tool that the state auditor maintains, regarding fees charged to a
- 29 patient for a medical cannabis recommendations;
- 30 ▶ amends provisions to accommodate the allowance for limited medical providers;
- 31 ▶ allows a licensed podiatrist to become a qualified medical provider;
- 32 ▶ requires the department to issue an electronic conditional medical cannabis card to
- 33 allow certain medical cannabis card applicants access to medical cannabis;
- 34 ▶ requires medical cannabis pharmacies to record information in an order from a
- 35 limited medical provider in the state electronic verification system;
- 36 ▶ imposes certain verification requirements on a medical cannabis pharmacy before
- 37 entering certain orders from a limited medical provider or processing a transaction
- 38 for certain conditional medical cannabis cardholders;
- 39 ▶ requires a medical cannabis component in required continuing education for
- 40 controlled substance prescribers;
- 41 ▶ extends a deadline that imposes a limitation on an individual's use or possession of
- 42 medical cannabis from outside the state; and
- 43 ▶ makes technical and conforming changes.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides a special effective date.

48 This bill provides revisor instructions.

49 This bill provides a coordination clause.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **4-41a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
53 by Coordination Clause, Laws of Utah 2020, Chapter 148

54 **4-41a-602**, as last amended by Laws of Utah 2020, Chapter 12

55 **26-61a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
56 by Coordination Clause, Laws of Utah 2020, Chapter 148

- 57 **26-61a-103**, as last amended by Laws of Utah 2020, Chapter 12
- 58 **26-61a-106**, as last amended by Laws of Utah 2020, Chapter 12
- 59 **26-61a-107**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 60 by Coordination Clause, Laws of Utah 2020, Chapter 148
- 61 **26-61a-201**, as last amended by Laws of Utah 2020, Chapters 12 and 148
- 62 **26-61a-202**, as last amended by Laws of Utah 2020, Chapter 12
- 63 **26-61a-401**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 64 **26-61a-403**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 65 **26-61a-501**, as last amended by Laws of Utah 2020, Chapter 12
- 66 **26-61a-502**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 67 by Coordination Clause, Laws of Utah 2020, Chapter 148
- 68 **26-61a-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 69 **26-61a-601**, as last amended by Laws of Utah 2020, Chapter 12
- 70 **58-5a-102**, as last amended by Laws of Utah 2020, Chapter 25
- 71 **58-31b-502**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 72 **58-37-3.7**, as last amended by Laws of Utah 2020, Chapter 12
- 73 **58-37-6.5**, as last amended by Laws of Utah 2018, Chapter 318
- 74 **58-67-502**, as last amended by Laws of Utah 2020, Chapter 25
- 75 **58-68-502**, as last amended by Laws of Utah 2020, Chapter 25
- 76 **58-70a-503**, as last amended by Laws of Utah 2020, Chapter 25
- 77 **62A-4a-404**, as last amended by Laws of Utah 2020, Chapter 193
- 78 **67-3-11**, as enacted by Laws of Utah 2019, Chapter 370
- 79 **78A-2-231**, as last amended by Laws of Utah 2020, Chapter 12
- 80 **78A-6-115**, as last amended by Laws of Utah 2020, Chapters 12, 132, 250, and 354

81 **Utah Code Sections Affected by Revisor Instructions:**

- 82 **26-61a-201**, as last amended by Laws of Utah 2020, Chapters 12 and 148
- 83 **58-37-3.7**, as last amended by Laws of Utah 2020, Chapter 12

84 **Utah Code Sections Affected by Coordination Clause:**

- 85 **26-61a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 86 by Coordination Clause, Laws of Utah 2020, Chapter 148

87

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

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

90 **4-41a-102. Definitions.**

91 As used in this chapter:

92 (1) "Active tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and
93 tetrahydrocannabinolic acid.

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

95 (3) "Cannabis cultivation facility" means a person that:

96 (a) possesses cannabis;

97 (b) grows or intends to grow cannabis; and

98 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
99 processing facility, or a medical cannabis research licensee.

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

101 (a) is an employee of a cannabis cultivation facility; and

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

103 (5) "Cannabis processing facility" means a person that:

104 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

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

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

108 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
109 medical cannabis research licensee.

110 (6) "Cannabis processing facility agent" means an individual who:

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

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

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

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

116 (9) "Cannabis production establishment agent" means a cannabis cultivation facility
117 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

118 (10) "Cannabis production establishment agent registration card" means a registration

119 card that the department issues that:

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

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

123 (11) "Community location" means a public or private elementary or secondary school,
124 a church, a public library, a public playground, or a public park.

125 (12) "Cultivation space" means, quantified in square feet, the horizontal area in which
126 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the
127 cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other
128 plants in multiple levels.

129 (13) "Department" means the Department of Agriculture and Food.

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

133 (15) (a) "Independent cannabis testing laboratory" means a person that:

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

135 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
136 conduct a chemical or other analysis of the cannabis or cannabis product.

137 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
138 operates in accordance with Subsection [4-41a-201](#)(14).

139 (16) "Independent cannabis testing laboratory agent" means an individual who:

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

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

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

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

144 (19) "Medical cannabis card" means the same as that term is defined in Section
145 [26-61a-102](#).

146 (20) "Medical cannabis pharmacy" means the same as that term is defined in Section
147 [26-61a-102](#).

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

150 (22) "Medical cannabis research license" means a license that the department issues to
151 a research university for the purpose of obtaining and possessing medical cannabis for
152 academic research.

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

156 (24) "Medical cannabis treatment" means the same as that term is defined in Section
157 [26-61a-102](#).

158 (25) "Medicinal dosage form" means the same as that term is defined in Section
159 [26-61a-102](#).

160 (26) "Qualified medical provider" means the same as that term is defined in Section
161 [26-61a-102](#).

162 (27) "Qualified Production Enterprise Fund" means the fund created in Section
163 [4-41a-104](#).

164 (28) "Recommending medical provider" means the same as that term is defined in
165 Section [26-61a-102](#).

166 [~~28~~] (29) "Research university" means the same as that term is defined in Section
167 [53B-7-702](#) and a private, nonprofit college or university in the state that:

- 168 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 169 (b) grants doctoral degrees; and
- 170 (c) has a laboratory containing or a program researching a schedule I controlled
171 substance described in Section [58-37-4](#).

172 [~~29~~] (30) "State electronic verification system" means the system described in Section
173 [26-61a-103](#).

174 [~~30~~] (31) "Tetrahydrocannabinol" means a substance derived from cannabis or a
175 synthetic equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

176 [~~31~~] (32) "Total composite tetrahydrocannabinol" means all detectable forms of
177 tetrahydrocannabinol.

178 Section 2. Section [4-41a-602](#) is amended to read:

179 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

180 (1) For any cannabis product that a cannabis processing facility processes or produces

181 and for any raw cannabis that the facility packages, the facility shall:

182 (a) label the cannabis or cannabis product with a label that:

183 (i) clearly and unambiguously states that the cannabis product or package contains
184 cannabis;

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

187 (iii) has a unique identification number that:

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

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

191 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
192 used to create the cannabis product;

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

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

197 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
198 container that:

199 (i) is tamper evident and tamper resistant;

200 (ii) does not appeal to children;

201 (iii) does not mimic a candy container;

202 (iv) is opaque;

203 (v) complies with child-resistant effectiveness standards that the United States
204 Consumer Product Safety Commission establishes; and

205 (vi) includes a warning label that states:

206 (A) for a container labeled before July 1, 2021, "WARNING: Cannabis has
207 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
208 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
209 only as directed by a qualified medical provider."; or

210 (B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has
211 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its

212 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
213 only as directed by a recommending medical provider.".

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

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

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

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

223 (a) a standard labeling format that:

224 (i) complies with the requirements of this section; and

225 (ii) ensures inclusion of a pharmacy label; and

226 (b) additional requirements on packaging for cannabis and cannabis products to ensure
227 safety and product quality.

228 Section 3. Section **26-61a-102** is amended to read:

229 **26-61a-102. Definitions.**

230 As used in this chapter:

231 (1) "Cannabis" means marijuana.

232 (2) "Cannabis cultivation facility" means the same as that term is defined in Section
233 [4-41a-102](#).

234 (3) "Cannabis processing facility" means the same as that term is defined in Section
235 [4-41a-102](#).

236 (4) "Cannabis product" means a product that:

237 (a) is intended for human use; and

238 (b) contains cannabis or tetrahydrocannabinol.

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

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

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

245 (8) "Community location" means a public or private elementary or secondary school, a
246 church, a public library, a public playground, or a public park.

247 (9) "Conditional medical cannabis card" means an electronic medical cannabis card
248 that the department issues in accordance with Subsection [26-61a-201\(1\)\(b\)](#) to allow an
249 applicant for a medical cannabis card to access medical cannabis during the department's
250 review of the application.

251 [~~(9)~~] (10) "Department" means the Department of Health.

252 [~~(10)~~] (11) "Designated caregiver" means:

253 (a) an individual:

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

256 (ii) who registers with the department under Section [26-61a-202](#); or

257 (b) (i) a facility that an individual designates as a designated caregiver in accordance
258 with Subsection [26-61a-202\(1\)\(b\)](#); or

259 (ii) an assigned employee of the facility described in Subsection [26-61a-202\(1\)\(b\)\(ii\)](#).

260 [~~(11)~~] (12) "Directions of use" means recommended routes of administration for a
261 medical cannabis treatment and suggested usage guidelines.

262 [~~(12)~~] (13) "Dosing guidelines" means a quantity range and frequency of administration
263 for a recommended treatment of medical cannabis.

264 [~~(13)~~] (14) "Financial institution" means a bank, trust company, savings institution, or
265 credit union, chartered and supervised under state or federal law.

266 [~~(14)~~] (15) "Home delivery medical cannabis pharmacy" means a medical cannabis
267 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
268 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders
269 that the state central patient portal facilitates.

270 [~~(15)~~] (16) "Inventory control system" means the system described in Section
271 [4-41a-103](#).

272 [~~(16)~~] (17) "Legal dosage limit" means an amount that:

273 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the

274 relevant ~~[qualified]~~ recommending medical provider or the pharmacy medical provider, in
275 accordance with Subsection 26-61a-201(4) or (5), recommends; and

276 (b) may not exceed:

277 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

278 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
279 greater than 20 grams of active tetrahydrocannabinol.

280 ~~[(17)]~~ (18) "Legal use termination date" means a date on the label of a container of
281 unprocessed cannabis flower:

282 (a) that is 60 days after the date of purchase of the cannabis; and

283 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
284 primary residence of the relevant medical cannabis patient cardholder.

285 (19) "Limited medical provider" means an individual who:

286 (a) meets the recommending qualifications; and

287 (b) has no more than 15 patients with a valid medical cannabis patient card or

288 provisional patient card as a result of the individual's recommendation, in accordance with
289 Subsection 26-61a-106(1)(b).

290 ~~[(18)]~~ (20) "Marijuana" means the same as that term is defined in Section 58-37-2.

291 ~~[(19)]~~ (21) "Medical cannabis" means cannabis in a medicinal dosage form or a
292 cannabis product in a medicinal dosage form.

293 ~~[(20)]~~ (22) "Medical cannabis card" means a medical cannabis patient card, a medical
294 cannabis guardian card, ~~[or]~~ a medical cannabis caregiver card, or a conditional medical
295 cannabis card.

296 ~~[(21)]~~ (23) "Medical cannabis cardholder" means:

297 (a) a holder of a medical cannabis card; or

298 (b) a facility or assigned employee, described in Subsection ~~[(10)]~~ (11)(b), only:

299 (i) within the scope of the facility's or assigned employee's performance of the role of a
300 medical cannabis patient cardholder's caregiver designation under Subsection

301 26-61a-202(1)(b); and

302 (ii) while in possession of documentation that establishes:

303 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);

304 (B) the identity of the individual presenting the documentation; and

305 (C) the relation of the individual presenting the documentation to the caregiver
306 designation.

307 [~~(22)~~] (24) "Medical cannabis caregiver card" means an electronic document that a
308 cardholder may print or store on an electronic device or a physical card or document that:

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

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

312 (25) "Medical cannabis courier agent" means an individual who:

313 (a) is an employee of a medical cannabis courier; and

314 (b) who holds a valid medical cannabis courier agent registration card.

315 [~~(23)~~] (26) "Medical cannabis courier" means a courier that:

316 (a) the department licenses in accordance with Section 26-61a-604; and

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

319 [~~(24)~~] (27) (a) "Medical cannabis device" means a device that an individual uses to
320 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
321 dosage form.

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

323 (i) facilitates cannabis combustion; or

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

325 [~~(25)~~] (28) "Medical cannabis guardian card" means an electronic document that a
326 cardholder may print or store on an electronic device or a physical card or document that:

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

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

330 [~~(26)~~] (29) "Medical cannabis patient card" means an electronic document that a
331 cardholder may print or store on an electronic device or a physical card or document that:

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

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

334 [~~(27)~~] (30) "Medical cannabis pharmacy" means a person that:

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

336 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
337 form from a cannabis processing facility; or

338 (B) a medical cannabis device; or

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

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

343 [~~(28)~~] (31) "Medical cannabis pharmacy agent" means an individual who:

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

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

346 [~~(29)~~] (32) "Medical cannabis pharmacy agent registration card" means a registration
347 card issued by the department that authorizes an individual to act as a medical cannabis
348 pharmacy agent.

349 [~~(30)~~] (33) "Medical cannabis shipment" means a shipment of medical cannabis or a
350 medical cannabis product that a home delivery medical cannabis pharmacy or a medical
351 cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an
352 electronic medical cannabis order that the state central patient portal facilitates.

353 [~~(31)~~] (34) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
354 cannabis product in a medicinal dosage form, or a medical cannabis device.

355 [~~(32)~~] (35) (a) "Medicinal dosage form" means:

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

358 (A) a tablet;

359 (B) a capsule;

360 (C) a concentrated liquid or viscous oil;

361 (D) a liquid suspension;

362 (E) a topical preparation;

363 (F) a transdermal preparation;

364 (G) a sublingual preparation;

365 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
366 rectangular cuboid shape; or

367 (I) a resin or wax;

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

369 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the

370 stated weight at the time of packaging;

371 (B) at any time the medical cannabis cardholder transports or possesses the container in

372 public, is contained within an opaque, child-resistant bag that the medical cannabis pharmacy

373 provides; and

374 (C) is labeled with the container's content and weight, the date of purchase, the legal

375 use termination date, and after December 31, 2020, a barcode that provides information

376 connected to an inventory control system; and

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

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

379 (i) the medical cannabis cardholder has recently removed from the container described

380 in Subsection ~~[(32)]~~ (35)(a)(ii) for use; and

381 (ii) does not exceed the quantity described in Subsection ~~[(32)]~~ (35)(a)(ii).

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

383 (i) any unprocessed cannabis flower outside of the container described in Subsection

384 ~~[(32)]~~ (35)(a)(ii), except as provided in Subsection ~~[(32)]~~ (35)(b);

385 (ii) any unprocessed cannabis flower in a container described in Subsection ~~[(32)]~~

386 (35)(a)(ii) after the legal use termination date; or

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

388 on a nail or other metal object that is heated by a flame, including a blowtorch.

389 ~~[(33)]~~ (36) "Nonresident patient" means an individual who:

390 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

391 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis

392 card under the laws of another state, district, territory, commonwealth, or insular possession of

393 the United States; and

394 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.

395 ~~[(34)]~~ (37) "Payment provider" means an entity that contracts with a cannabis

396 production establishment or medical cannabis pharmacy to facilitate transfers of funds between

397 the establishment or pharmacy and other businesses or individuals.

398 ~~[(35)]~~ (38) "Pharmacy medical provider" means the medical provider required to be on
399 site at a medical cannabis pharmacy under Section [26-61a-403](#).

400 ~~[(36)]~~ (39) "Provisional patient card" means a card that:

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

402 (i) a ~~[qualified]~~ recommending medical provider has recommended a medical cannabis
403 treatment; and

404 (ii) the department issues a medical cannabis guardian card to the minor's parent or
405 legal guardian; and

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

407 ~~[(37)]~~ (40) "Qualified medical provider" means an individual ~~[who is qualified]~~:

408 (a) who meets the recommending qualifications; and

409 (b) whom the department registers to recommend treatment with cannabis in a
410 medicinal dosage form under Section [26-61a-106](#).

411 ~~[(38)]~~ (41) "Qualified Patient Enterprise Fund" means the enterprise fund created in
412 Section [26-61a-109](#).

413 ~~[(39)]~~ (42) "Qualifying condition" means a condition described in Section [26-61a-104](#).

414 ~~[(40)]~~ (43) "Recommend" or "recommendation" means, for a ~~[qualified]~~

415 recommending medical provider, the act of suggesting the use of medical cannabis treatment,
416 which:

417 (a) certifies the patient's eligibility for a medical cannabis card; and

418 (b) may include, at the ~~[qualified]~~ recommending medical provider's discretion,
419 directions of use, with or without dosing guidelines.

420 (44) "Recommending medical provider" means a qualified medical provider or a
421 limited medical provider.

422 (45) "Recommending qualifications" means that an individual:

423 (a) (i) has the authority to write a prescription;

424 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
425 Controlled Substances Act; and

426 (iii) possesses the authority, in accordance with the individual's scope of practice, to
427 prescribe a Schedule II controlled substance; and

428 (b) who is licensed as:

429 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
 430 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice

431 Act;

432 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
 433 Chapter 68, Utah Osteopathic Medical Practice Act; or

434 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act

435 whose:

436 (A) declaration of services agreement, as that term is defined in Section [58-70a-102](#),

437 includes the recommending of medical cannabis; and

438 (B) supervising physician is a qualified medical provider.

439 ~~[(41)]~~ (46) "State central patient portal" means the website the department creates, in
 440 accordance with Section [26-61a-601](#), to facilitate patient safety, education, and an electronic
 441 medical cannabis order.

442 ~~[(42)]~~ (47) "State central patient portal medical provider" means a physician or
 443 pharmacist that the department employs in relation to the state central patient portal to consult
 444 with medical cannabis cardholders in accordance with Section [26-61a-602](#).

445 ~~[(43)]~~ (48) "State electronic verification system" means the system described in Section
 446 [26-61a-103](#).

447 ~~[(44)]~~ (49) "Valid form of photo identification" means any of the following forms of
 448 identification that is either current or has expired within the previous six months:

449 (a) a valid state-issued driver license or identification card;

450 (b) a valid United States ~~[federal- or state-issued]~~ federal-issued photo identification,

451 including:

452 ~~[(a) a driver license;]~~

453 ~~[(b)]~~ (i) a United States passport;

454 ~~[(c)]~~ (ii) a United States passport card; ~~[(d)]~~

455 ~~[(e)]~~ (iii) a United States military identification card~~[-];~~ or

456 (iv) a permanent resident card or alien registration receipt card; or

457 (c) a passport that another country issued.

458 Section 4. Section **26-61a-103** is amended to read:

459 **26-61a-103. Electronic verification system.**

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

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

464 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
465 Procurement Code, to develop a request for proposals for a third-party provider to develop and
466 maintain the state electronic verification system in coordination with the Department of
467 Technology Services; and

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

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

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

473 (2) The Department of Agriculture and Food, the department, the Department of Public
474 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
475 2020, the state electronic verification system described in Subsection (1):

476 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
477 medical cannabis guardian card, provided that the card may not become active until:

478 (i) the relevant qualified medical provider completes the associated medical cannabis
479 recommendation; or

480 (ii) for medical cannabis card related to a limited medical provider's recommendation,
481 the medical cannabis pharmacy completes the recording described in Subsection (2)(d);

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

484 (c) allows a qualified medical provider, or an employee described in Subsection (3)
485 acting on behalf of the qualified medical provider, to:

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

487 (A) with whom the qualified medical provider has a provider-patient relationship; and

488 (B) for whom the qualified medical provider has recommended or is considering
489 recommending a medical cannabis card;

490 (ii) electronically recommend, after an initial face-to-face visit with a patient described

491 in Subsection 26-61a-201(4)(b), treatment with cannabis in a medicinal dosage form or a
492 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;

493 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
494 medical cannabis guardian cardholder:

495 (A) using telehealth services, for the qualified medical provider who originally
496 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

497 (B) during a face-to-face visit with the patient, for a qualified medical provider who
498 did not originally recommend the medical cannabis treatment during a face-to-face visit; and

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

501 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic
502 verification system is functionally capable of facility medical cannabis pharmacy recording,
503 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
504 accordance with Subsection 26-61a-501(11)(a), to record:

505 (i) a patient's recommendation from a limited medical provider, including any
506 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
507 and

508 (ii) a limited medical provider's renewal of the provider's previous recommendation;

509 [~~(d)~~] (e) connects with:

510 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
511 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
512 medicinal dosage form, or a medical cannabis device, including:

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

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

516 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
517 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
518 device; and

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

521 (ii) any commercially available inventory control system that a cannabis production

522 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
523 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
524 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
525 track and confirm compliance;

526 ~~(e)~~ (f) provides access to:

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

529 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
530 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
531 41a, Cannabis Production Establishments; and

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

535 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

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

537 ~~(B)~~ (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
538 Nurse Practice Act;

539 ~~(C)~~ (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
540 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

541 ~~(D)~~ (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
542 Assistant Act;

543 ~~(E)~~ (g) provides access to and interaction with the state central patient portal;

544 ~~(g)~~ (h) provides access to state or local law enforcement:

545 (i) during a law enforcement encounter, without a warrant, using the individual's driver
546 license or state ID, only for the purpose of determining if the individual subject to the law
547 enforcement encounter has a valid medical cannabis card; or

548 (ii) after obtaining a warrant; and

549 ~~(h)~~ (i) creates a record each time a person accesses the database that identifies the
550 person who accesses the database and the individual whose records the person accesses.

551 (3) (a) Beginning on the earlier of January 1, 2021, or the date on which the electronic
552 verification system is functionally capable of allowing employee access under this Subsection

553 (3), an employee of a qualified medical provider may access the electronic verification system
554 for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

555 (i) the qualified medical provider has designated the employee as an individual
556 authorized to access the electronic verification system on behalf of the qualified medical
557 provider;

558 (ii) the qualified medical provider provides written notice to the department of the
559 employee's identity and the designation described in Subsection (3)(a)(i); and

560 (iii) the department grants to the employee access to the electronic verification system.

561 (b) An employee of a business that employs a qualified medical provider may access
562 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
563 qualified medical provider if:

564 (i) the qualified medical provider has designated the employee as an individual
565 authorized to access the electronic verification system on behalf of the qualified medical
566 provider;

567 (ii) the qualified medical provider and the employing business jointly provide written
568 notice to the department of the employee's identity and the designation described in Subsection
569 (3)(b)(i); and

570 (iii) the department grants to the employee access to the electronic verification system.

571 (4) (a) As used in this Subsection (4), "prescribing provider" means:

572 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

573 ~~[(i)]~~ (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
574 Nurse Practice Act;

575 ~~[(ii)]~~ (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
576 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

577 ~~[(iii)]~~ (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
578 Assistant Act.

579 (b) Beginning on the earlier of January 1, 2021, or the date on which the electronic
580 verification system is functionally capable of allowing provider access under this Subsection
581 (4), a prescribing provider may access information in the electronic verification system
582 regarding a patient the prescribing provider treats.

583 (5) The department may release limited data that the system collects for the purpose of:

- 584 (a) conducting medical and other department approved research;
- 585 (b) providing the report required by Section 26-61a-703; and
- 586 (c) other official department purposes.
- 587 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 588 Administrative Rulemaking Act, to establish:
- 589 (a) the limitations on access to the data in the state electronic verification system as
- 590 described in this section; and
- 591 (b) standards and procedures to ensure accurate identification of an individual
- 592 requesting information or receiving information in this section.
- 593 (7) (a) Any person who knowingly and intentionally releases any information in the
- 594 state electronic verification system in violation of this section is guilty of a third degree felony.
- 595 (b) Any person who negligently or recklessly releases any information in the state
- 596 electronic verification system in violation of this section is guilty of a class C misdemeanor.
- 597 (8) (a) Any person who obtains or attempts to obtain information from the state
- 598 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.
- 599 (b) Any person who obtains or attempts to obtain information from the state electronic
- 600 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
- 601 degree felony.
- 602 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
- 603 intentionally use, release, publish, or otherwise make available to any other person information
- 604 obtained from the state electronic verification system for any purpose other than a purpose
- 605 specified in this section.
- 606 (b) Each separate violation of this Subsection (9) is:
- 607 (i) a third degree felony; and
- 608 (ii) subject to a civil penalty not to exceed \$5,000.
- 609 (c) The department shall determine a civil violation of this Subsection (9) in
- 610 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 611 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
- 612 General Fund.
- 613 (e) This Subsection (9) does not prohibit a person who obtains information from the
- 614 state electronic verification system under Subsection (2)(a), (c), or (f) from:

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

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

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

620 Section 5. Section **26-61a-106** is amended to read:

621 **26-61a-106. Qualified medical provider registration -- Continuing education --**
622 **Treatment recommendation -- Limited medical provider.**

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

626 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
627 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
628 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
629 term is defined in Section 58-5a-102.

630 (b) ~~[An]~~ Beginning on the earlier of September 1, 2021, or the date on which the
631 department gives notice of that the electronic verification system is functionally capable as
632 described in Subsection 26-61a-103(2)(d), an individual who meets the recommending
633 qualifications [in Subsections 26-61a-106(2)(a)(iii) and (iv)] may recommend a medical
634 cannabis treatment as a limited medical provider without registering under Subsection (1)(a)
635 [until January 1, 2021.] if:

636 (i) the individual recommends the use of medical cannabis to the patient through an
637 order described in Subsection (1)(c) after:

638 (A) a face-to-face visit for an initial recommendation or the renewal of a
639 recommendation for a patient for whom the limited medical provider did not make the patient's
640 original recommendation; or

641 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
642 whom the limited medical provider made the patient's original recommendation; and

643 (ii) the individual's recommendation or renewal would not cause the total number of
644 the individual's patients who have a valid medical cannabis patient card or provisional patient
645 card resulting from the individual's recommendation to exceed 15.

646 (c) The individual described in Subsection (1)(b) shall communicate the individual's
647 recommendation through an order for the medical cannabis pharmacy to record the individual's
648 recommendation or renewal in the state electronic verification system under the individual's
649 recommendation that:

650 (i) (A) that the individual or the individual's employee sends electronically to a medical
651 cannabis pharmacy; or

652 (B) that the individual gives to the patient in writing for the patient to deliver to a
653 medical cannabis pharmacy; and

654 (ii) may include:

655 (A) directions of use or dosing guidelines; and

656 (B) an indication of a need for a caregiver in accordance with Subsection
657 26-61a-201(3)(c).

658 (d) If the limited medical provider gives the patient a written recommendation to
659 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
660 provider shall ensure that the document includes all of the information that is included on a
661 prescription the provider would issue for a controlled substance, including:

662 (i) the date of issuance;

663 (ii) the provider's name, address and contact information, controlled substance license
664 information, and signature; and

665 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
666 condition.

667 (e) In considering making a recommendation as a limited medical provider, an
668 individual may consult information that the department makes available on the department's
669 website for recommending providers.

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

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

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

676 (iii) provides to the department evidence that the individual[?] meets the

677 recommending qualifications;

678 ~~[(A) has the authority to write a prescription;]~~

679 ~~[(B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah~~
680 ~~Controlled Substances Act; and]~~

681 ~~[(C) possesses the authority, in accordance with the individual's scope of practice, to~~
682 ~~prescribe a Schedule II controlled substance;]~~

683 ~~[(iv) provides to the department evidence that the individual is:]~~

684 ~~[(A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~
685 ~~Practice Act;]~~

686 ~~[(B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or~~
687 ~~Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or]~~

688 ~~[(C) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician~~
689 ~~Assistant Act, whose declaration of services agreement, as that term is defined in Section~~
690 ~~58-70a-102, includes the recommending of medical cannabis, and whose supervising physician~~
691 ~~is a qualified medical provider; and]~~

692 (iv) for an applicant on or after November 1, 2021, provides to the department the
693 information described in Subsection (10)(a); and

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

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

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

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

699 (i) a pharmacy medical provider; or

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

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

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

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

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

708 (i) complete continuing education:
709 (A) regarding the topics described in Subsection (3)(d); and
710 (B) offered by the department under Subsection (3)(c) or an accredited or approved
711 continuing education provider that the department recognizes as offering continuing education
712 appropriate for the recommendation of cannabis to patients; and
713 (ii) make a continuing education report to the department in accordance with a process
714 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
715 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
716 Professional Licensing and:
717 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
718 Act, the Podiatric Physician Board;
719 [~~(A)~~] (B) for an advanced practice registered nurse licensed under Title 58, Chapter
720 31b, Nurse Practice Act, the Board of Nursing;
721 [~~(B)~~] (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah
722 Medical Practice Act, the Physicians Licensing Board;
723 [~~(C)~~] (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
724 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
725 and
726 [~~(D)~~] (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
727 Assistant Act, the Physician Assistant Licensing Board.
728 (c) The department may, in consultation with the Division of Occupational and
729 Professional Licensing, develop the continuing education described in this Subsection (3).
730 (d) The continuing education described in this Subsection (3) may discuss:
731 (i) the provisions of this chapter;
732 (ii) general information about medical cannabis under federal and state law;
733 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
734 including risks and benefits;
735 (iv) recommendations for medical cannabis as it relates to the continuing care of a
736 patient in pain management, risk management, potential addiction, or palliative care; and
737 (v) best practices for recommending the form and dosage of medical cannabis products
738 based on the qualifying condition underlying a medical cannabis recommendation.

739 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
740 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
741 patients at the same time, as determined by the number of medical cannabis cards under the
742 qualified medical provider's name in the state electronic verification system.

743 (b) A qualified medical provider may recommend a medical cannabis treatment to up to
744 600 of the qualified medical provider's patients at any given time, as determined by the number
745 of medical cannabis cards under the qualified medical provider's name in the state electronic
746 verification system, if:

747 (i) the appropriate American medical board has certified the qualified medical provider
748 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
749 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
750 psychiatry; or

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

753 (5) A ~~[qualified]~~ recommending medical provider may recommend medical cannabis to
754 an individual under this chapter only in the course of a ~~[qualified medical]~~ provider-patient
755 relationship after the ~~[qualifying]~~ recommending medical provider has completed and
756 documented in the patient's medical record a thorough assessment of the patient's condition and
757 medical history based on the appropriate standard of care for the patient's condition.

758 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
759 individual recommends medical cannabis treatment in accordance with this chapter.

760 (b) For purposes of Subsection (6)(a), the communication of the following, through a
761 website, by ~~[an individual described in Subsection (6)(c)]~~ a qualified medical provider, does
762 not constitute advertising:

763 (i) a green cross;

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

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

766 ~~[(c) The following are subject to Subsection (6)(b):]~~

767 ~~[(i) before the department begins registering qualified medical providers:]~~

768 ~~[(A) an advanced practice registered nurse described in Subsection (2)(a)(iv)(A);]~~

769 ~~[(B) a physician described in Subsection (2)(a)(iv)(B); or]~~

770 [~~(C) a physician assistant described in Subsection (2)(a)(iv)(C); and]~~
771 [~~(ii) after the department begins registering qualified medical providers, a qualified~~
772 ~~medical provider.]~~

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

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

777 (i) applies for renewal;

778 (ii) is eligible for a qualified medical provider registration card under this section,
779 including maintaining an unrestricted license [~~as described in Subsection (2)(a)(iii)] under the
780 recommending qualifications;~~

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

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

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

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

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

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

790 (9) A [~~qualified~~] recommending medical provider may not receive any compensation
791 or benefit for the qualified medical provider's medical cannabis treatment recommendation
792 from:

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

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

797 (c) a [~~qualified~~] recommending medical provider or pharmacy medical provider.

798 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
799 the department, in a manner designated by the department:

800 (i) if applicable, that the qualified medical provider or the entity that employs the

801 qualified medical provider represents online or on printed material that the qualified medical
802 provider is a qualified medical provider or offers medical cannabis recommendations to
803 patients; and

804 (ii) the fee amount that the qualified medical provider or the entity that employs the
805 qualified medical provider charges a patient for a medical cannabis recommendation, either as
806 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

807 (b) The department shall:

808 (i) ensure that the following information related to qualified medical providers and
809 entities described in Subsection (10)(a)(i) is available on the department's website or on the
810 health care price transparency tool under Subsection (b)(ii):

811 (A) the name of the qualified medical provider and, if applicable, the name of the
812 entity that employs the qualified medical provider;

813 (B) the address of the qualified medical provider's office or, if applicable, the entity
814 that employs the qualified medical provider; and

815 (C) the fee amount described in Subsection (10)(a)(ii); and

816 (ii) share data collected under this Subsection (10) with the state auditor for use in the
817 health care price transparency tool described in Section [67-3-11](#).

818 Section 6. Section **26-61a-107** is amended to read:

819 **26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No**
820 **private right of action.**

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

825 (a) civil or criminal liability; or

826 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
827 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
828 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
829 Assistant Act.

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

831 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,

832 an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act,
833 a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
834 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
835 Title 58, Chapter 70a, Utah Physician Assistant Act:

836 (i) (A) whom the department has registered as a qualified medical provider; ~~and~~ or
837 (B) who makes a recommendation as a limited medical provider; and

838 ~~[(B)]~~ (ii) who recommends treatment with cannabis in a medicinal dosage form or a
839 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; [or]
840 and

841 ~~[(ii) before January 1, 2021, who:]~~

842 ~~[(A) has the authority to write a prescription; and]~~

843 ~~[(B) recommends a medical cannabis treatment to a patient who has a qualifying~~
844 ~~condition; and]~~

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

846 (i) whom the department has registered as a pharmacy medical provider; and

847 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
848 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis
849 cardholder in accordance with this chapter.

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

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

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

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

859 (4) (a) As used in this Subsection (4), "healthcare facility" means the same as that term
860 is defined in Section [26-21-2](#).

861 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of
862 medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder

863 who resides at or is actively receiving treatment or care at the healthcare facility.

864 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not
865 subject to civil or criminal liability for carrying out employment duties, including:

866 (i) providing or supervising care to a medical cannabis cardholder; or

867 (ii) in accordance with a caregiver designation under Section [~~26-61a-201~~] [26-61a-202](#)
868 for a medical cannabis cardholder residing at the healthcare facility, purchasing, transporting,
869 or possessing medical cannabis for the relevant patient and in accordance with the designation.

870 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
871 Subsection (4)(b).

872 Section 7. Section **26-61a-201** is amended to read:

873 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
874 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

875 (1) (a) [~~On or before March 1, 2020, the~~] The department shall, within 15 days after the
876 day on which an individual who satisfies the eligibility criteria in this section or Section
877 [26-61a-202](#) submits an application in accordance with this section or Section [26-61a-202](#):

878 [~~(a)~~] (i) issue a medical cannabis patient card to an individual described in Subsection
879 (2)(a);

880 [~~(b)~~] (ii) issue a medical cannabis guardian card to an individual described in
881 Subsection (2)(b);

882 [~~(c)~~] (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

883 [~~(d)~~] (iv) issue a medical cannabis caregiver card to an individual described in
884 Subsection [26-61a-202](#)(4).

885 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
886 electronic verification system is functionally capable of facilitating a conditional medical
887 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
888 provider's medical cannabis recommendation for a patient in the state electronic verification
889 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
890 medical provider or medical cannabis pharmacy in accordance with Subsection
891 [26-61a-501](#)(11)(a), the department shall issue to the patient an electronic conditional medical
892 cannabis card, in accordance with this Subsection (1)(b).

893 (ii) A conditional medical cannabis card is valid for the lesser of:

894 (A) 60 days; or
895 (B) the day on which the department completes the department's review and issues a
896 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
897 application, or revokes the conditional medical cannabis card under Subsection (8).
898 (iii) The department may issue a conditional medical cannabis card to an individual
899 applying for a medical cannabis patient card for which approval of the Compassionate Use
900 Board is not required.
901 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
902 obligations under law applicable to a holder of the medical cannabis card for which the
903 individual applies and for which the department issues the conditional medical cannabis card.
904 (2) (a) An individual is eligible for a medical cannabis patient card if:
905 (i) (A) the individual is at least 21 years old; or
906 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
907 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
908 department approval of the petition;
909 (ii) the individual is a Utah resident;
910 (iii) the individual's [~~qualified~~] recommending medical provider recommends treatment
911 with medical cannabis in accordance with Subsection (4);
912 (iv) the individual signs an acknowledgment stating that the individual received the
913 information described in Subsection (8); and
914 (v) the individual pays to the department a fee in an amount that, subject to Subsection
915 26-61a-109(5), the department sets in accordance with Section 63J-1-504.
916 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:
917 (A) is at least 18 years old;
918 (B) is a Utah resident;
919 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
920 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
921 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
922 department approval of the petition;
923 (D) the individual signs an acknowledgment stating that the individual received the
924 information described in Subsection [~~(8)~~] (9);

925 (E) pays to the department a fee in an amount that, subject to Subsection
926 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
927 criminal background check described in Section 26-61a-203; and

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

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

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

935 (A) the minor has a qualifying condition;

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

938 (C) the minor's parent or legal guardian petitions the Compassionate Use Board under
939 Section 26-61a-105, and the Compassionate Use Board recommends department approval of
940 the petition; and

941 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
942 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
943 medical cannabis caregiver card under Section 26-61a-202.

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

947 (d) Beginning on the earlier of January 1, 2021, or the date on which the electronic
948 verification system is functionally capable of servicing the designation, if the parent or legal
949 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
950 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
951 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
952 the minor has adequate and safe access to the recommended medical cannabis treatment.

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

956 (i) through an electronic application connected to the state electronic verification
957 system;

958 (ii) with the recommending ~~qualified~~ medical provider; and

959 (iii) with information including:

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

961 (B) the number of the applicant's valid form of photo identification;

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

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

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

969 (c) (i) If a ~~qualified~~ recommending medical provider determines that, because of age,
970 illness, or disability, a medical cannabis patient cardholder requires assistance in administering
971 the medical cannabis treatment that the ~~qualified~~ recommending medical provider
972 recommends, the ~~qualified~~ recommending medical provider may indicate the cardholder's
973 need in the state electronic verification system, either directly or, for a limited medical
974 provider, through the order described in Subsections 26-61a-106(1)(c) and (d).

975 (ii) If a ~~qualified~~ recommending medical provider makes the indication described in
976 Subsection (3)(c)(i):

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

979 (B) any adult who is 18 years old or older and who is physically present with the
980 cardholder at the time the cardholder needs to use the recommended medical cannabis
981 treatment may handle the medical cannabis treatment and any associated medical cannabis
982 device as needed to assist the cardholder in administering the recommended medical cannabis
983 treatment; and

984 (C) an individual of any age who is physically present with the cardholder in the event
985 of an emergency medical condition, as that term is defined in Section 31A-22-627, may handle
986 the medical cannabis treatment and any associated medical cannabis device as needed to assist

987 the cardholder in administering the recommended medical cannabis treatment.

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

989 (A) ingest or inhale medical cannabis;

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

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

995 (4) To recommend a medical cannabis treatment to a patient or to renew a
996 recommendation, a ~~[qualified]~~ recommending medical provider shall:

997 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
998 a medicinal dosage form:

999 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
1000 guardian's valid form of identification described in Subsection (3)(a);

1001 (ii) review any record related to the patient and, for a minor patient, the patient's parent
1002 or legal guardian in:

1003 (A) for a qualified medical provider, the state electronic verification system; and

1004 (B) the controlled substance database created in Section [58-37f-201](#); and

1005 (iii) consider the recommendation in light of the patient's qualifying condition and
1006 history of medical cannabis and controlled substance use during an initial face-to-face visit
1007 with the patient; and

1008 (b) state in the ~~[qualified]~~ recommending medical provider's recommendation that the
1009 patient:

1010 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1011 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1012 product in a medicinal dosage form.

1013 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the
1014 department issues under this section is valid for the lesser of:

1015 (i) an amount of time that the ~~[qualified]~~ recommending medical provider determines;
1016 or

1017 (ii) (A) six months for the first issuance, ~~[90 days; (B)]~~ and, except as provided in

1018 Subsection (5)(a)(ii)~~(C)~~(B), for a renewal~~[, six months]~~; or
1019 ~~(C)~~ (B) for a renewal, one year if, after at least one year following the issuance of the
1020 original medical cannabis card, the [qualified] recommending medical provider determines that
1021 the patient has been stabilized on the medical cannabis treatment and a one-year renewal period
1022 is justified.

1023 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1024 illness described in Section 26-61a-104 does not expire.

1025 (ii) The recommending [qualified] medical provider may revoke a recommendation
1026 that the provider made in relation to a terminal illness described in Section 26-61a-104 if the
1027 medical cannabis cardholder no longer has the terminal illness.

1028 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
1029 renewable if:

1030 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
1031 (b); or

1032 (ii) the cardholder received the medical cannabis card through the recommendation of
1033 the Compassionate Use Board under Section 26-61a-105.

1034 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

1035 (i) using the application process described in Subsection (3); or

1036 (ii) through phone or video conference with the [qualified] recommending medical
1037 provider who made the recommendation underlying the card, at the qualifying medical
1038 provider's discretion.

1039 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
1040 pay to the department a renewal fee in an amount that:

1041 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
1042 63J-1-504; and

1043 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1044 comparison to the original application process.

1045 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1046 patient card renews automatically at the time the minor's parent or legal guardian renews the
1047 parent or legal guardian's associated medical cannabis guardian card.

1048 (e) The department may revoke a medical cannabis guardian card if the cardholder

1049 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
1050 under either state or federal law.

1051 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
1052 cannabis card with the patient's name.

1053 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
1054 purchase, in accordance with this chapter and the recommendation underlying the card,
1055 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1056 medical cannabis device.

1057 (ii) A cardholder under this section may possess or transport, in accordance with this
1058 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1059 cannabis product in a medicinal dosage form, or a medical cannabis device.

1060 (iii) To address the qualifying condition underlying the medical cannabis treatment
1061 recommendation:

1062 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1063 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1064 or a medical cannabis device; and

1065 (B) a medical cannabis guardian cardholder may assist the associated provisional
1066 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1067 product in a medicinal dosage form, or a medical cannabis device.

1068 (c) If a licensed medical cannabis pharmacy is not operating within the state after
1069 January 1, 2021, a cardholder under this section:

1070 (i) may possess:

1071 (A) up to the legal dosage limit of unprocessed cannabis in a medicinal dosage form;

1072 (B) up to the legal dosage limit of a cannabis product in a medicinal dosage form; and

1073 (C) marijuana drug paraphernalia; and

1074 (ii) is not subject to prosecution for the possession described in Subsection (7)(c)(i).

1075 (8) The department may revoke a medical cannabis card that the department issues
1076 under this section if the cardholder:

1077 (a) violates this chapter; or

1078 (b) is convicted under state or federal law of:

1079 (i) a felony; or

1080 (ii) after the effective date of this bill, a misdemeanor for drug distribution.
1081 ~~[(8)]~~ (9) The department shall establish by rule, in accordance with Title 63G, Chapter
1082 3, Utah Administrative Rulemaking Act, a process to provide information regarding the
1083 following to an individual receiving a medical cannabis card:
1084 (a) risks associated with medical cannabis treatment;
1085 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1086 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1087 Subsection ~~26-61a-104~~(1); and
1088 (c) other relevant warnings and safety information that the department determines.
1089 ~~[(9)]~~ (10) The department may establish procedures by rule, in accordance with Title
1090 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
1091 issuance provisions of this section.
1092 ~~[(10)]~~ (11) (a) On or before January 1, 2021, the department shall establish by rule, in
1093 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
1094 an individual from another state to register with the Department of Health in order to purchase
1095 medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the
1096 individual is visiting the state.
1097 (b) The department may only provide the registration process described in Subsection
1098 ~~[(10)]~~ (11)(a):
1099 (i) to a nonresident patient; and
1100 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
1101 per visitation period.
1102 ~~[(11)]~~ (12) (a) A person may submit to the department a request to conduct a research
1103 study using medical cannabis cardholder data that the state electronic verification system
1104 contains.
1105 (b) The department shall review a request described in Subsection ~~[(11)]~~ (12)(a) to
1106 determine whether an institutional review board, as that term is defined in Section ~~26-61-102~~,
1107 could approve the research study.
1108 (c) At the time an individual applies for a medical cannabis card, the department shall
1109 notify the individual:
1110 (i) of how the individual's information will be used as a cardholder;

1111 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1112 consent under Subsection [(11)] (12)(d), the individual consents to the use of the individual's
1113 information for external research; and

1114 (iii) that the individual may withdraw consent for the use of the individual's
1115 information for external research at any time, including at the time of application.

1116 (d) An applicant may, through the medical cannabis card application, and a medical
1117 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
1118 cardholder's consent to participate in external research at any time.

1119 (e) The department may release, for the purposes of a study described in this
1120 Subsection [(11)] (12), information about a cardholder under this section who consents to
1121 participate under Subsection [(11)] (12)(c).

1122 (f) If an individual withdraws consent under Subsection [(11)] (12)(d), the withdrawal
1123 of consent:

1124 (i) applies to external research that is initiated after the withdrawal of consent; and

1125 (ii) does not apply to research that was initiated before the withdrawal of consent.

1126 (g) The department may establish standards for a medical research study's validity, by
1127 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1128 Section 8. Section **26-61a-202** is amended to read:

1129 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**
1130 **Revocation.**

1131 (1) (a) (i) A cardholder described in Section **26-61a-201** may designate, through the
1132 state central patient portal, up to two individuals, or an individual and a facility in accordance
1133 with Subsection (1)(b), to serve as a designated caregiver for the cardholder [~~if a qualified~~
1134 ~~medical provider notates in~~].

1135 (ii) The designation described in Subsection (1)(a)(i) takes effect if the state electronic
1136 verification system reflects a recommending medical provider's indication that the provider
1137 determines that, due to physical difficulty or undue hardship, including concerns of distance to
1138 a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical cannabis
1139 treatment that the [~~qualified~~] recommending medical provider recommends.

1140 (b) (i) Beginning on the earlier of January 1, 2021, or the date on which the electronic
1141 verification system is functionally capable of servicing the designation, a cardholder described

1142 in Section 26-61a-201 who is a patient in one of the following types of facilities may designate
1143 the facility as one of the caregivers described in Subsection (1)(a):

1144 (A) an assisted living facility, as that term is defined in Section 26-21-2;

1145 (B) a nursing care facility, as that term is defined in Section 26-21-2; or

1146 (C) a general acute hospital, as that term is defined in Section 26-21-2.

1147 (ii) A facility may assign one or more employees to assist patients with medical
1148 cannabis treatment under the caregiver designation described in this Subsection (1)(b).

1149 (iii) The department shall make rules to regulate the practice of facilities and facility
1150 employees serving as designated caregivers under this Subsection (1)(b).

1151 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in
1152 consultation with the minor and the minor's qualified medical provider, may designate, through
1153 the state central patient portal, up to two individuals to serve as a designated caregiver for the
1154 minor, if the department determines that the parent or legal guardian is not eligible for a
1155 medical cannabis guardian card under Section 26-61a-201.

1156 (2) An individual that the department registers as a designated caregiver under this
1157 section and a facility described in Subsection (1)(b):

1158 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1159 card;

1160 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1161 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1162 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1163 cardholder;

1164 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1165 or for a service that the designated caregiver provides in relation to the role as a designated
1166 caregiver;

1167 (d) may accept reimbursement from the designating medical cannabis cardholder for
1168 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1169 medicinal use of cannabis; and

1170 (e) if a licensed medical cannabis pharmacy is not operating within the state after
1171 January 1, 2021:

1172 (i) may possess up to the legal dosage limit of:

- 1173 (A) unprocessed medical cannabis in a medicinal dosage form; and
1174 (B) a cannabis product in a medicinal dosage form; [~~and~~]
1175 (ii) may possess marijuana drug paraphernalia; and
1176 (iii) is not subject to prosecution for the possession described in Subsection (2)(e)(i).
1177 (3) (a) The department shall:
1178 (i) within 15 days after the day on which an individual submits an application in
1179 compliance with this section, issue a medical cannabis card to the applicant if the applicant:
1180 (A) is designated as a caregiver under Subsection (1);
1181 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1182 (C) complies with this section; and
1183 (ii) notify the Department of Public Safety of each individual that the department
1184 registers as a designated caregiver.
1185 (b) The department shall ensure that a medical cannabis caregiver card contains the
1186 information described in Subsection (5)(b).
1187 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
1188 (a) is at least 21 years old;
1189 (b) is a Utah resident;
1190 (c) pays to the department a fee in an amount that, subject to Subsection
1191 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1192 criminal background check described in Section 26-61a-203;
1193 (d) signs an acknowledgment stating that the applicant received the information
1194 described in Subsection 26-61a-201[~~(8)~~](9); and
1195 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
1196 a felony under either state or federal law, unless the individual completes any imposed sentence
1197 two or more years before the day on which the individual submits the application.
1198 (5) An eligible applicant for a medical cannabis caregiver card shall:
1199 (a) submit an application for a medical cannabis caregiver card to the department
1200 through an electronic application connected to the state electronic verification system; and
1201 (b) submit the following information in the application described in Subsection (5)(a):
1202 (i) the applicant's name, gender, age, and address;
1203 (ii) the name, gender, age, and address of the cardholder described in Section

1204 26-61a-201 who designated the applicant; and

1205 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1206 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
1207 cannabis guardian cardholder.

1208 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1209 department issues under this section is valid for the lesser of:

1210 (a) an amount of time that the cardholder described in Section 26-61a-201 who
1211 designated the caregiver determines; or

1212 (b) the amount of time remaining before the card of the cardholder described in Section
1213 26-61a-201 expires.

1214 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
1215 designated caregiver's medical cannabis caregiver card renews automatically at the time the
1216 cardholder described in Section 26-61a-201 who designated the caregiver:

1217 (i) renews the cardholder's card; and

1218 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1219 (b) The department shall provide a method in the card renewal process to allow a
1220 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1221 (i) signify that the cardholder renews the caregiver's designation;

1222 (ii) remove a caregiver's designation; or

1223 (iii) designate a new caregiver.

1224 (8) The department may revoke a medical cannabis caregiver card if the designated
1225 caregiver:

1226 (a) violates this chapter; or

1227 (b) is convicted under state or federal law of:

1228 (i) a felony; or

1229 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1230 Section 9. Section 26-61a-401 is amended to read:

1231 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**

1232 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1233 cannabis pharmacy unless the department registers the individual as a medical cannabis
1234 pharmacy agent.

1235 (2) [~~Except as provided in Section 26-61a-403, a qualified~~] A recommending medical
1236 provider may not act as a medical cannabis pharmacy agent, have a financial or voting interest
1237 of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the
1238 management or control of a medical cannabis pharmacy.

1239 (3) (a) The department shall, within 15 days after the day on which the department
1240 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1241 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1242 registration card to the prospective agent if the medical cannabis pharmacy:

1243 (i) provides to the department:

1244 (A) the prospective agent's name and address;

1245 (B) the name and location of the licensed medical cannabis pharmacy where the
1246 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1247 (C) the submission required under Subsection (3)(b); and

1248 (ii) pays a fee to the department in an amount that, subject to Subsection
1249 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1250 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
1251 registration card within less than one year after the expiration of the applicant's previous
1252 medical cannabis pharmacy agent registration card, each prospective agent described in
1253 Subsection (3)(a) shall:

1254 (i) submit to the department:

1255 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1256 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1257 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1258 Generation Identification System's Rap Back Service; and

1259 (ii) consent to a fingerprint background check by:

1260 (A) the Bureau of Criminal Identification; and

1261 (B) the Federal Bureau of Investigation.

1262 (c) The Bureau of Criminal Identification shall:

1263 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
1264 the applicable state, regional, and national criminal records databases, including the Federal
1265 Bureau of Investigation Next Generation Identification System;

- 1266 (ii) report the results of the background check to the department;
- 1267 (iii) maintain a separate file of fingerprints that prospective agents submit under
1268 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1269 databases, including latent prints;
- 1270 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1271 Generation Identification System's Rap Back Service for search by future submissions to
1272 national criminal records databases, including the Next Generation Identification System and
1273 latent prints; and
- 1274 (v) establish a privacy risk mitigation strategy to ensure that the department only
1275 receives notifications for an individual with whom the department maintains an authorizing
1276 relationship.
- 1277 (d) The department shall:
- 1278 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1279 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
1280 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 1281 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1282 Identification.
- 1283 (4) The department shall designate, on an individual's medical cannabis pharmacy
1284 agent registration card the name of the medical cannabis pharmacy where the individual is
1285 registered as an agent.
- 1286 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1287 the department develops in collaboration with the Division of Occupational and Professional
1288 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
1289 designates by rule, in collaboration with the Division of Occupational and Professional
1290 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
1291 Administrative Rulemaking Act.
- 1292 (6) The department shall ensure that the certification standard described in Subsection
1293 (5) includes training in:
- 1294 (a) Utah medical cannabis law; and
- 1295 (b) medical cannabis pharmacy best practices.
- 1296 (7) The department may revoke the medical cannabis pharmacy agent registration card

1297 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1298 who:

1299 (a) violates the requirements of this chapter; or

1300 (b) is convicted under state or federal law of:

1301 (i) a felony; or

1302 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1303 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1304 day on which the department issues or renews the card.

1305 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1306 agent:

1307 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1308 section;

1309 (ii) certifies to the department in a renewal application that the information in
1310 Subsection (3)(a) is accurate or updates the information; and

1311 (iii) pays to the department a renewal fee in an amount that:

1312 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1313 Section 63J-1-504; and

1314 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1315 comparison to the original application process.

1316 Section 10. Section 26-61a-403 is amended to read:

1317 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

1318 (1) (a) A medical cannabis pharmacy:

1319 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1320 Practice Act, as a pharmacy medical provider;

1321 (ii) may employ a physician who has the authority to write a prescription and is
1322 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1323 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1324 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1325 works onsite during all business hours; and

1326 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
1327 the pharmacist-in-charge to oversee the operation of and generally supervise the medical

1328 cannabis pharmacy.

1329 (b) An individual may not serve as a pharmacy medical provider unless the department
1330 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1331 (2) (a) The department shall, within 15 days after the day on which the department
1332 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1333 medical provider, register and issue a pharmacy medical provider registration card to the
1334 prospective pharmacy medical provider if the medical cannabis pharmacy:

1335 (i) provides to the department:

1336 (A) the prospective pharmacy medical provider's name and address;

1337 (B) the name and location of the licensed medical cannabis pharmacy where the
1338 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1339 (C) a report detailing the completion of the continuing education requirement described
1340 in Subsection (3); and

1341 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1342 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1343 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
1344 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

1345 (ii) pays a fee to the department in an amount that, subject to Subsection
1346 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1347 (b) The department may not register a [~~qualified~~] recommending medical provider or a
1348 state central patient portal medical provider as a pharmacy medical provider.

1349 (3) (a) A pharmacy medical provider shall complete the continuing education described
1350 in this Subsection (3) in the following amounts:

1351 (i) as a condition precedent to registration, four hours; and

1352 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1353 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1354 (i) complete continuing education:

1355 (A) regarding the topics described in Subsection (3)(d); and

1356 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1357 continuing education provider that the department recognizes as offering continuing education
1358 appropriate for the medical cannabis pharmacy practice; and

1359 (ii) make a continuing education report to the department in accordance with a process
1360 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1361 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
1362 Professional Licensing and:

1363 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
1364 Pharmacy Practice Act, the Board of Pharmacy;

1365 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
1366 Practice Act, the Physicians Licensing Board; and

1367 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
1368 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

1369 (c) The department may, in consultation with the Division of Occupational and
1370 Professional Licensing, develop the continuing education described in this Subsection (3).

1371 (d) The continuing education described in this Subsection (3) may discuss:

1372 (i) the provisions of this chapter;

1373 (ii) general information about medical cannabis under federal and state law;

1374 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1375 including risks and benefits;

1376 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1377 patient in pain management, risk management, potential addiction, and palliative care; or

1378 (v) best practices for recommending the form and dosage of a medical cannabis
1379 product based on the qualifying condition underlying a medical cannabis recommendation.

1380 (4) (a) A pharmacy medical provider registration card expires two years after the day
1381 on which the department issues or renews the card.

1382 (b) A pharmacy medical provider may renew the provider's registration card if the
1383 provider:

1384 (i) is eligible for a pharmacy medical provider registration card under this section;

1385 (ii) certifies to the department in a renewal application that the information in
1386 Subsection (2)(a) is accurate or updates the information;

1387 (iii) submits a report detailing the completion of the continuing education requirement
1388 described in Subsection (3); and

1389 (iv) pays to the department a renewal fee in an amount that:

1390 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1391 Section 63J-1-504; and

1392 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1393 comparison to the original application process.

1394 Section 11. Section 26-61a-501 is amended to read:

1395 **26-61a-501. Operating requirements -- General.**

1396 (1) (a) A medical cannabis pharmacy shall operate:

1397 (i) at the physical address provided to the department under Section 26-61a-301; and

1398 (ii) in accordance with the operating plan provided to the department under Section
1399 26-61a-301 and, if applicable, 26-61a-304.

1400 (b) A medical cannabis pharmacy shall notify the department before a change in the
1401 medical cannabis pharmacy's physical address or operating plan.

1402 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

1403 (a) is at least 18 years old; and

1404 (b) except as provided in Subsection (5), possesses a valid:

1405 (i) medical cannabis pharmacy agent registration card;

1406 (ii) pharmacy medical provider registration card; or

1407 (iii) medical cannabis card.

1408 (3) A medical cannabis pharmacy may not employ an individual who is younger than
1409 21 years old.

1410 (4) A medical cannabis pharmacy may not employ an individual who has been
1411 convicted of a felony under state or federal law.

1412 (5) Notwithstanding Subsection (2), a medical cannabis pharmacy may authorize an
1413 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
1414 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
1415 the individual at all times while the individual is at the medical cannabis pharmacy and
1416 maintains a record of the individual's access.

1417 (6) A medical cannabis pharmacy shall operate in a facility that has:

1418 (a) a single, secure public entrance;

1419 (b) a security system with a backup power source that:

1420 (i) detects and records entry into the medical cannabis pharmacy; and

1421 (ii) provides notice of an unauthorized entry to law enforcement when the medical
1422 cannabis pharmacy is closed; and

1423 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
1424 cannabis product.

1425 (7) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
1426 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
1427 [26-61a-502\(2\)](#).

1428 (8) A medical cannabis pharmacy may not allow any individual to consume cannabis
1429 on the property or premises of the medical cannabis pharmacy.

1430 (9) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
1431 first indicating on the cannabis or cannabis product label the name of the medical cannabis
1432 pharmacy.

1433 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
1434 following information regarding each recommendation underlying a transaction:

1435 (i) the ~~[qualified]~~ recommending medical provider's name, address, and telephone
1436 number;

1437 (ii) the patient's name and address;

1438 (iii) the date of issuance;

1439 (iv) directions of use and dosing guidelines or an indication that the ~~[qualified]~~
1440 recommending medical provider did not recommend specific directions of use or dosing
1441 guidelines; and

1442 (v) if the patient did not complete the transaction, the name of the medical cannabis
1443 cardholder who completed the transaction.

1444 (b) (i) Except as provided in Subsection (10)(b)(ii), a medical cannabis pharmacy may
1445 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
1446 container indicating the following minimum information:

1447 (A) the name, address, and telephone number of the medical cannabis pharmacy;

1448 (B) the unique identification number that the medical cannabis pharmacy assigns;

1449 (C) the date of the sale;

1450 (D) the name of the patient;

1451 (E) the name of the ~~[qualified]~~ recommending medical provider who recommended the

1452 medical cannabis treatment;

1453 (F) directions for use and cautionary statements, if any;

1454 (G) the amount dispensed and the cannabinoid content;

1455 (H) the suggested use date;

1456 (I) for unprocessed cannabis flower, the legal use termination date; and

1457 (J) any other requirements that the department determines, in consultation with the
1458 Division of Occupational and Professional Licensing and the Board of Pharmacy.

1459 (ii) A medical cannabis pharmacy may sell medical cannabis to another medical
1460 cannabis pharmacy without a label described in Subsection (10)(b)(i).

1461 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1462 (a) upon receipt of an order from a limited medical provider in accordance with
1463 Subsections 26-61a-106(1)(b) and (c):

1464 (i) for a written order, contact the limited medical provider or the limited medical
1465 provider's office to verify the validity of the recommendation; and

1466 (ii) for a written order that the pharmacy medical provider or medical cannabis
1467 pharmacy agent verifies under Subsection (11)(a)(i) or an electronic order, enter the limited
1468 medical provider's recommendation or renewal, including any associated directions of use,
1469 dosing guidelines, or caregiver indication, in the state electronic verification system;

1470 (b) in processing an order for a holder of a conditional medical cannabis card described
1471 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the
1472 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1473 medical provider or the recommending medical provider's office to verify the validity of the
1474 recommendation before processing the cardholder's order;

1475 [~~a~~] (c) unless the medical cannabis cardholder has had a consultation under
1476 Subsection 26-61a-502(4) or (5), verbally offer to a medical cannabis cardholder at the time of
1477 a purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling
1478 with the pharmacy medical provider; and

1479 [~~b~~] (d) provide a telephone number or website by which the cardholder may contact a
1480 pharmacy medical provider for counseling.

1481 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1482 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a

1483 medical cannabis device, or medical cannabis product in a locked box or other secure
1484 receptacle within the medical cannabis pharmacy.

1485 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1486 (12)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1487 can access deposited medical cannabis or medical cannabis products.

1488 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
1489 medical cannabis products by:

1490 (i) rendering the deposited medical cannabis or medical cannabis products unusable
1491 and unrecognizable before transporting deposited medical cannabis or medical cannabis
1492 products from the medical cannabis pharmacy; and

1493 (ii) disposing of the deposited medical cannabis or medical cannabis products in
1494 accordance with:

1495 (A) federal and state law, rules, and regulations related to hazardous waste;

1496 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1497 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1498 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1499 3, Utah Administrative Rulemaking Act.

1500 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1501 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
1502 by a medical cannabis pharmacy.

1503 Section 12. Section **26-61a-502** is amended to read:

1504 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
1505 **Reporting -- Form of cannabis or cannabis product.**

1506 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
1507 chapter:

1508 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
1509 from a cannabis processing facility that is licensed under Section [4-41a-201](#);

1510 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
1511 acquired from a cannabis processing facility that is licensed under Section [4-41a-201](#);

1512 (iii) a medical cannabis device; or

1513 (iv) educational material related to the medical use of cannabis.

1514 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
1515 an individual with:

1516 (i) (A) a medical cannabis card;

1517 (B) a department registration described in [~~Subsection 26-61a-202(10)~~] Section
1518 26-61a-201; or

1519 (C) until December 31, 2020, a letter from a medical provider in accordance with
1520 Subsection (10); and

1521 (ii) a corresponding valid form of photo identification.

1522 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
1523 cannabis-based drug that the United States Food and Drug Administration has approved.

1524 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
1525 medical cannabis device to an individual described in Subsection 26-61a-201(2)(a)(i)(B) or to a
1526 minor described in Subsection 26-61a-201(2)(c) unless the individual or minor has the
1527 approval of the Compassionate Use Board in accordance with Subsection 26-61a-105(5).

1528 (2) A medical cannabis pharmacy:

1529 (a) may dispense to a medical cannabis cardholder or to an individual described in
1530 Subsection (10)(b), in any one 28-day period, up to the legal dosage limit of:

1531 (i) unprocessed cannabis that:

1532 (A) is in a medicinal dosage form; and

1533 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
1534 cannabidiol in the cannabis; and

1535 (ii) a cannabis product that is in a medicinal dosage form; and

1536 (b) may not dispense:

1537 (i) more medical cannabis than described in Subsection (2)(a); or

1538 (ii) to an individual whose [~~qualified~~] recommending medical provider[~~, or for an~~
1539 ~~individual described in Subsection (10)(a), the medical professional described in Subsection~~
1540 ~~(10)(a)(i),~~] did not recommend directions of use and dosing guidelines, until the individual
1541 consults with the pharmacy medical provider in accordance with Subsection (4), any medical
1542 cannabis.

1543 (3) An individual with a medical cannabis card [~~or an individual described in~~
1544 ~~Subsection (10)(a)~~]:

- 1545 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 1546 (i) unprocessed cannabis in a medicinal dosage form; and
- 1547 (ii) a cannabis product in a medicinal dosage form;
- 1548 (b) may not purchase:
- 1549 (i) more medical cannabis than described in Subsection (3)(a); or
- 1550 (ii) if the relevant ~~[qualified]~~ recommending medical provider did not recommend
- 1551 directions of use and dosing guidelines, until the individual consults with the pharmacy
- 1552 medical provider in accordance with Subsection (4), any medical cannabis; and
- 1553 (c) may not use a route of administration that the relevant ~~[qualified]~~ recommending
- 1554 medical provider or the pharmacy medical provider, in accordance with Subsection (4) or (5),
- 1555 has not recommended.
- 1556 (4) If a ~~[qualified]~~ recommending medical provider recommends treatment with
- 1557 medical cannabis but does not provide directions of use and dosing guidelines:
- 1558 (a) the qualified medical provider or the medical cannabis pharmacy recording a
- 1559 recommendation under the order of a limited medical provider, shall document in the
- 1560 recommendation:
- 1561 (i) an evaluation of the qualifying condition underlying the recommendation;
- 1562 (ii) prior treatment attempts with medical cannabis; and
- 1563 (iii) the patient's current medication list; and
- 1564 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
- 1565 pharmacy medical provider shall:
- 1566 (i) review pertinent medical records, including the ~~[qualified]~~ recommending medical
- 1567 provider documentation described in Subsection (4)(a); and
- 1568 (ii) unless the pertinent medical records show directions of use and dosing guidelines
- 1569 from a state central patient portal medical provider in accordance with Subsection (5), after
- 1570 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
- 1571 ~~[qualified]~~ medical provider as needed, determine the best course of treatment through
- 1572 consultation with the cardholder regarding:
- 1573 (A) the patient's qualifying condition underlying the recommendation from the
- 1574 ~~[qualified]~~ recommending medical provider;
- 1575 (B) indications for available treatments;

1576 (C) directions of use and dosing guidelines; and

1577 (D) potential adverse reactions.

1578 (5) (a) A state central patient portal medical provider may provide the consultation and
1579 make the determination described in Subsection (4)(b) for a medical cannabis patient
1580 cardholder regarding an electronic order that the state central patient portal facilitates.

1581 (b) The state central patient portal medical provider described in Subsection (5)(a)
1582 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)
1583 in the pertinent medical records.

1584 (6) A medical cannabis pharmacy shall:

1585 (a) (i) access the state electronic verification system before dispensing cannabis or a
1586 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
1587 where applicable, the associated patient has met the maximum amount of medical cannabis
1588 described in Subsection (2); and

1589 (ii) if the verification in Subsection (6)(a)(i) indicates that the individual has met the
1590 maximum amount described in Subsection (2):

1591 (A) decline the sale; and

1592 (B) notify the ~~[qualified]~~ recommending medical provider who made the underlying
1593 recommendation;

1594 (b) submit a record to the state electronic verification system each time the medical
1595 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1596 (c) package any medical cannabis that is in a container that:

1597 (i) complies with Subsection ~~4-41a-602~~(2) or, if applicable, ~~[26-61a-102(32)(a)(ii)]~~
1598 provisions related to a container for unprocessed cannabis flower in the definition of
1599 "medicinal dosage form" in Section 26-61a-102;

1600 (ii) is tamper-resistant and tamper-evident; and

1601 (iii) opaque; and

1602 (d) for a product that is a cube that is designed for ingestion through chewing or
1603 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
1604 of over-consumption.

1605 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
1606 sell medical cannabis in the form of a cigarette or a medical cannabis device that is

1607 intentionally designed or constructed to resemble a cigarette.

1608 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1609 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
1610 individual's respiratory system.

1611 (8) A medical cannabis pharmacy may not give, at no cost, a product that the medical
1612 cannabis pharmacy is allowed to sell under Subsection (1).

1613 (9) The department may impose a uniform fee on each medical cannabis transaction in
1614 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
1615 department sets in accordance with Section 63J-1-504.

1616 [~~(10)(a) Except as provided in Subsection (10)(b), until December 31, 2020, an~~
1617 ~~individual may purchase up to the legal dosage limit of an item listed in Subsection (1)(a) from~~
1618 ~~a licensed medical cannabis pharmacy if:]~~

1619 [~~(i) the individual presents to the medical cannabis pharmacy a letter from the medical~~
1620 ~~professional described in Subsection 58-37-3.7(2)(a)(i)(B) that indicates the medical~~
1621 ~~professional's medical cannabis recommendation for the individual;]~~

1622 [~~(ii) the medical cannabis pharmacy receives independent confirmation from the~~
1623 ~~medical professional described in Subsection (10)(a)(i) or an employee of the medical~~
1624 ~~professional that the letter is valid;]~~

1625 [~~(iii) the medical cannabis pharmacy:]~~

1626 [~~(A) scans or photocopies the individual's letter and the individual's valid form of~~
1627 ~~photo identification;]~~

1628 [~~(B) creates a record of the transaction, including the documents described in~~
1629 ~~Subsection (10)(a)(iii)(A), the date of purchase, and the type and quantity of medical cannabis~~
1630 ~~the individual purchased; and]~~

1631 [~~(C) provides information to the individual about obtaining a medical cannabis card;~~
1632 ~~and]~~

1633 [~~(iv) unless the medical professional recommends specific directions of using and~~
1634 ~~dosing guidelines in the letter, the pharmacy medical provider determines the best course of~~
1635 ~~treatment through consultation with the individual regarding;]~~

1636 [~~(A) the individual's qualifying condition underlying the recommendation from the~~
1637 ~~medical professional;]~~

1638 ~~[(B) indications for available treatments;]~~

1639 ~~[(C) directions of use and dosing guidelines; and]~~

1640 ~~[(D) potential adverse reactions.]~~

1641 ~~[(b) (i) An individual who purchases medical cannabis from a medical cannabis~~
1642 ~~pharmacy under Subsection (10)(a) may not purchase medical cannabis from a different~~
1643 ~~medical cannabis pharmacy under Subsection (10)(a).]~~

1644 ~~[(ii) If the department notifies a medical cannabis pharmacy, in accordance with~~
1645 ~~Subsection (10)(c), of an individual purchasing medical cannabis under Subsection (10)(a)~~
1646 ~~from more than one medical cannabis pharmacy, a medical cannabis pharmacy may not sell an~~
1647 ~~item listed in Subsection (1)(a) to the individual under Subsection (10)(a).]~~

1648 ~~[(iii) An individual may not purchase medical cannabis under Subsection (10)(a) if the~~
1649 ~~individual is a medical cannabis cardholder.]~~

1650 ~~[(c) (i) Until December 31, 2020, on or before the first day of each month, each~~
1651 ~~medical cannabis pharmacy shall provide to the department, in a secure manner, information~~
1652 ~~identifying each individual who has purchased medical cannabis from the medical cannabis~~
1653 ~~pharmacy under Subsection (10)(a).]~~

1654 ~~[(ii) The department shall review information the department receives under~~
1655 ~~Subsection (10)(c)(i) to identify any individuals who:]~~

1656 ~~[(A) have purchased medical cannabis under Subsection (10)(a) from more than one~~
1657 ~~pharmacy; or]~~

1658 ~~[(B) hold a medical cannabis card.]~~

1659 ~~[(iii) If the department identifies an individual described in Subsection (10)(c)(ii), the~~
1660 ~~department shall notify each medical cannabis pharmacy regarding:]~~

1661 ~~[(A) the identification of the individual; and]~~

1662 ~~[(B) the individual's ineligibility to purchase medical cannabis for a reason described in~~
1663 ~~Subsection (10)(b).]~~

1664 ~~[(H)]~~ (10) A medical cannabis pharmacy may purchase and store medical cannabis
1665 devices regardless of whether the seller has a cannabis-related license under this title or Title 4,
1666 Chapter 41a, Cannabis Production Establishments.

1667 Section 13. Section **26-61a-503** is amended to read:

1668 **26-61a-503. Partial filling.**

1669 (1) As used in this section, "partially fill" means to provide less than the full amount of
1670 cannabis or cannabis product that the [qualified] recommending medical provider recommends,
1671 if the [qualified] recommending medical provider recommended specific dosing parameters.

1672 (2) A pharmacy medical provider may partially fill a recommendation for a medical
1673 cannabis treatment at the request of the [qualified] recommending medical provider who issued
1674 the medical cannabis treatment recommendation or the medical cannabis cardholder.

1675 (3) The department shall make rules, in collaboration with the Division of
1676 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
1677 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,
1678 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment
1679 recommendation.

1680 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
1681 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
1682 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical
1683 cannabis treatment recommendation if:

1684 (a) the pharmacy medical provider determined dosing parameters for the partial fill
1685 under Subsection 26-61a-502(4) or (5); and

1686 (b) the medical cannabis cardholder reports that:

1687 (i) the partial fill did not substantially affect the qualifying condition underlying the
1688 medical cannabis recommendation; or

1689 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
1690 unable to successfully use the partial fill.

1691 Section 14. Section 26-61a-601 is amended to read:

1692 **26-61a-601. State central patient portal -- Department duties.**

1693 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
1694 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
1695 described in this section.

1696 (2) The state central patient portal shall:

1697 (a) authenticate each user to ensure the user is a valid medical cannabis patient
1698 cardholder;

1699 (b) allow a medical cannabis patient cardholder to:

1700 (i) obtain and download the cardholder's medical cannabis card;

1701 (ii) review the cardholder's medical cannabis purchase history; and

1702 (iii) manage the cardholder's personal information, including withdrawing consent for

1703 the use of the cardholder's information for a study described in Subsection

1704 [26-61a-201](#)~~(11)~~(12);

1705 (c) if the cardholder's ~~qualified~~ recommending medical provider recommended the

1706 use of medical cannabis without providing directions of use and dosing guidelines and the

1707 cardholder has not yet received the counseling or consultation required in Subsection

1708 [26-61a-502](#)(4):

1709 (i) alert the cardholder of the outstanding need for consultation; and

1710 (ii) provide the cardholder with access to the contact information for each state central

1711 patient portal medical provider and each pharmacy medical provider;

1712 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis

1713 order:

1714 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

1715 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in

1716 person from the pharmacy;

1717 (e) prohibit a patient from completing an electronic medical cannabis order described

1718 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection

1719 [26-61a-502](#)(2)(a) or (b);

1720 (f) provide educational information to medical cannabis patient cardholders regarding

1721 the state's medical cannabis laws and regulatory programs and other relevant information

1722 regarding medical cannabis; and

1723 (g) allow the patient to designate up to two caregivers who may receive a medical

1724 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in

1725 accordance with this chapter.

1726 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah

1727 Administrative Rulemaking Act, to implement the state central patient portal.

1728 Section 15. Section **58-5a-102** is amended to read:

1729 **58-5a-102. Definitions.**

1730 In addition to the definitions under Section [58-1-102](#), as used in this chapter:

- 1731 (1) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- 1732 (2) "Indirect supervision" means the same as that term is defined by the division by
1733 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1734 (3) "Medical assistant" means an unlicensed individual working under the indirect
1735 supervision of a licensed podiatric physician and engaging in specific tasks assigned by the
1736 licensed podiatric physician in accordance with the standards and ethics of the podiatry
1737 profession.
- 1738 (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the
1739 human foot and ankle and their manifestations of systemic conditions by all appropriate and
1740 lawful means, subject to Section 58-5a-103.
- 1741 (5) "Unlawful conduct" includes:
- 1742 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
- 1743 (b) for an individual who is not licensed under this chapter:
- 1744 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor,
1745 foot specialist, or D.P.M.; or
- 1746 (ii) implying or representing that the individual is qualified to practice podiatry.
- 1747 (6) (a) "Unprofessional conduct" includes, for an individual licensed under this
1748 chapter:
- 1749 [(a)] (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
- 1750 [(b)] (ii) communicating to a third party, without the consent of the patient, information
1751 the individual acquires in treating the patient, except as necessary for professional consultation
1752 regarding treatment of the patient;
- 1753 [(c)] (iii) allowing the individual's name or license to be used by an individual who is
1754 not licensed to practice podiatry under this chapter;
- 1755 [(d)] (iv) except as described in Section 58-5a-306, employing, directly or indirectly,
1756 any unlicensed individual to practice podiatry;
- 1757 [(e)] (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs
1758 impairs the individual's ability to practice podiatry;
- 1759 [(f)] (vi) unlawfully prescribing, selling, or giving away any prescription drug,
1760 including controlled substances, as defined in Section 58-37-2;
- 1761 [(g)] (vii) gross incompetency in the practice of podiatry;

1762 ~~(h)~~ (viii) willfully and intentionally making a false statement or entry in hospital
1763 records, medical records, or reports;

1764 ~~(i)~~ (ix) willfully making a false statement in reports or claim forms to governmental
1765 agencies or insurance companies with the intent to secure payment not rightfully due;

1766 ~~(j)~~ (x) willfully using false or fraudulent advertising;

1767 ~~(k)~~ (xi) conduct the division defines as unprofessional conduct by rule made in
1768 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1769 ~~(l)~~ (xii) falsely making an entry in, or altering, a medical record with the intent to
1770 conceal:

1771 ~~(i)~~ (A) a wrongful or negligent act or omission of an individual licensed under this
1772 chapter or an individual under the direction or control of an individual licensed under this
1773 chapter; or

1774 ~~(ii)~~ (B) conduct described in Subsections (6)(a)(i) through ~~(k)~~ (xi) or Subsection
1775 [58-1-501\(1\)](#).

1776 (b) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
1777 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
1778 limited medical provider, as those terms are defined in Section [26-61a-102](#), recommending the
1779 use of medical cannabis within the scope of a practice of podiatry.

1780 Section 16. Section **58-31b-502** is amended to read:

1781 **58-31b-502. Unprofessional conduct.**

1782 (1) "Unprofessional conduct" includes:

1783 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
1784 diagnosis, personal effects, or any other matter about which the licensee is privileged to know
1785 because of the licensee's or person with a certification's position or practice as a nurse or
1786 practice as a medication aide certified;

1787 (b) failure to provide nursing service or service as a medication aide certified in a
1788 manner that demonstrates respect for the patient's human dignity and unique personal character
1789 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
1790 status, age, sex, or the nature of the patient's health problem;

1791 (c) engaging in sexual relations with a patient during any:

1792 (i) period when a generally recognized professional relationship exists between the

- 1793 person licensed or certified under this chapter and the patient; or
- 1794 (ii) extended period when a patient has reasonable cause to believe a professional
1795 relationship exists between the person licensed or certified under the provisions of this chapter
1796 and the patient;
- 1797 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using
1798 information about a patient or exploiting the licensee's or the person with a certification's
1799 professional relationship between the licensee or holder of a certification under this chapter and
1800 the patient; or
- 1801 (ii) exploiting the patient by use of the licensee's or person with a certification's
1802 knowledge of the patient obtained while acting as a nurse or a medication aide certified;
- 1803 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;
- 1804 (f) unauthorized taking or personal use of nursing supplies from an employer;
- 1805 (g) unauthorized taking or personal use of a patient's personal property;
- 1806 (h) unlawful or inappropriate delegation of nursing care;
- 1807 (i) failure to exercise appropriate supervision of persons providing patient care services
1808 under supervision of the licensed nurse;
- 1809 (j) employing or aiding and abetting the employment of an unqualified or unlicensed
1810 person to practice as a nurse;
- 1811 (k) failure to file or record any medical report as required by law, impeding or
1812 obstructing the filing or recording of such a report, or inducing another to fail to file or record
1813 such a report;
- 1814 (l) breach of a statutory, common law, regulatory, or ethical requirement of
1815 confidentiality with respect to a person who is a patient, unless ordered by a court;
- 1816 (m) failure to pay a penalty imposed by the division;
- 1817 (n) prescribing a Schedule II controlled substance without complying with the
1818 requirements in Section [58-31b-803](#), if applicable;
- 1819 (o) violating Section [58-31b-801](#);
- 1820 (p) violating the dispensing requirements of Section [58-17b-309](#) or Chapter 17b, Part
1821 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if
1822 applicable;
- 1823 (q) establishing or operating a pain clinic without a consultation and referral plan for

1824 Schedule II or III controlled substances; or

1825 (r) falsely making an entry in, or altering, a medical record with the intent to conceal:

1826 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
1827 or an individual under the direction or control of an individual licensed under this chapter; or

1828 (ii) conduct described in Subsections (1)(a) through (q) or Subsection 58-1-501(1).

1829 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter

1830 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
1831 limited medical provider, as ~~[that term is]~~ those terms are defined in Section 26-61a-102,

1832 recommending the use of medical cannabis.

1833 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
1834 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
1835 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

1836 Section 17. Section 58-37-3.7 is amended to read:

1837 **58-37-3.7. Medical cannabis decriminalization.**

1838 (1) As used in this section:

1839 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

1840 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

1841 (c) "Legal dosage limit" means the same as that term is defined in Section 26-61a-102.

1842 (d) "Medical cannabis card" means the same as that term is defined in Section
1843 26-61a-102.

1844 (e) "Medical cannabis device" means the same as that term is defined in Section
1845 26-61a-102.

1846 (f) "Medicinal dosage form" means the same as that term is defined in Section
1847 26-61a-102.

1848 (g) "Nonresident patient" means the same as that term is defined in Section
1849 26-61a-102.

1850 (h) "Qualifying condition" means the same as that term is defined in Section
1851 26-61a-102.

1852 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
1853 58-37-3.9.

1854 (2) Before ~~[January]~~ July 1, 2021, including during the period between January 1,

1855 2021, and the effective date of this bill, an individual is not guilty under this chapter for the use
1856 or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

1857 (a) at the time of the arrest or citation, the individual:

1858 [~~(i) (A) had been diagnosed with a qualifying condition; and]~~

1859 [~~(B) had a pre-existing provider-patient relationship with an advanced practice
1860 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed
1861 under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,
1862 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
1863 Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness
1864 described in Subsection (2)(a)(i)(A) could benefit from the use in question;]~~

1865 [~~(ii) for possession, was:~~

1866 [~~(A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who
1867 is a minor; or]~~

1868 [~~(B) the spouse of an individual described in Subsection (2)(a)(i); or]~~

1869 [~~(iii) (A)] (i) for possession, was a medical cannabis cardholder; or~~

1870 [~~(B)] (ii) for use, was a medical cannabis patient cardholder or a minor with a
1871 [qualifying condition] provisional patient card under the supervision of a medical cannabis
1872 guardian cardholder; and~~

1873 (b) (i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
1874 tetrahydrocannabinol is one of the following in an amount that does not exceed the legal
1875 dosage limit:

1876 (A) unprocessed cannabis in a medicinal dosage form; or

1877 (B) a cannabis product in a medicinal dosage form; and

1878 (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a
1879 medical cannabis device.

1880 (3) A nonresident patient is not guilty under this chapter for the use or possession of
1881 marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

1882 (a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
1883 tetrahydrocannabinol is one of the following in an amount that does not exceed the legal
1884 dosage limit:

1885 (i) unprocessed cannabis in a medicinal dosage form; or

1886 (ii) a cannabis product in a medicinal dosage form; and
1887 (b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a
1888 medical cannabis device.

1889 (4) (a) There is a rebuttable presumption against an allegation of use or possession of
1890 marijuana or tetrahydrocannabinol if:

1891 (i) an individual fails a drug test based on the presence of [~~tetrahydrocannabinol~~]
1892 tetrahydrocannabinol in the sample; and

1893 (ii) the individual provides evidence that the individual possessed or used cannabidiol
1894 or a cannabidiol product.

1895 (b) The presumption described in Subsection (4)(a) may be rebutted with evidence that
1896 the individual purchased or possessed marijuana or tetrahydrocannabinol that is not authorized
1897 under:

1898 (i) Section [4-41-402](#); or
1899 (ii) Title 26, Chapter 61a, Utah Medical Cannabis Act.

1900 Section 18. Section **58-37-6.5** is amended to read:

1901 **58-37-6.5. Continuing education for controlled substance prescribers.**

1902 (1) For the purposes of this section:

1903 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,
1904 who:

1905 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1906 Controlled Substances Act; and

1907 (ii) possesses the authority, in accordance with the individual's scope of practice, to
1908 prescribe schedule II controlled substances and schedule III controlled substances that are
1909 applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

1910 (b) "D.O." means an osteopathic physician and surgeon licensed under Title 58,
1911 Chapter 68, Utah Osteopathic Medical Practice Act.

1912 (c) "FDA" means the United States Food and Drug Administration.

1913 (d) "M.D." means a physician and surgeon licensed under Title 58, Chapter 67, Utah
1914 Medical Practice Act.

1915 (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment
1916 approach used by the federal Substance Abuse and Mental Health Services Administration or

1917 defined by the division, in consultation with the Division of Substance Abuse and Mental
1918 Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative
1919 Rulemaking Act.

1920 (2) (a) Beginning with the licensing period that begins after January 1, 2014, as a
1921 condition precedent for license renewal, each controlled substance prescriber shall complete at
1922 least 3.5 continuing education hours per licensing period that satisfy the requirements of
1923 Subsection (3).

1924 (b) (i) Beginning with the licensing period that begins after January 1, 2024, as a
1925 condition precedent for license renewal, each controlled substance prescriber shall complete at
1926 least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements
1927 of Subsection (4).

1928 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),
1929 fulfills the continuing education hours requirement in Subsection (3) for the licensing period in
1930 which the class was completed.

1931 (iii) A controlled substance prescriber:

1932 (A) need only take the SBIRT-training class once during the controlled substance
1933 prescriber's licensure in the state; and

1934 (B) shall provide a completion record of the SBIRT-training class in order to be
1935 reimbursed for SBIRT services to patients, in accordance with ~~[Section]~~ Sections 26-18-22 and
1936 ~~[Section]~~ 49-20-416.

1937 (3) A controlled substance prescriber shall complete at least 3.5 hours of continuing
1938 education in one or more controlled substance prescribing classes, except dentists who shall
1939 complete at least two hours, that satisfy the requirements of Subsections (4) and (6).

1940 (4) A controlled substance prescribing class shall:

1941 (a) satisfy the division's requirements for the continuing education required for the
1942 renewal of the controlled substance prescriber's respective license type;

1943 (b) be delivered by an accredited or approved continuing education provider
1944 recognized by the division as offering continuing education appropriate for the controlled
1945 substance prescriber's respective license type; and

1946 (c) include a postcourse knowledge assessment.

1947 (5) An M.D. or D.O. completing continuing professional education hours under

1948 Subsection (4) shall complete those hours in classes that qualify for the American Medical
1949 Association Physician's Recognition Award Category 1 Credit.

1950 (6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4)
1951 shall include educational content covering the following:

1952 (a) the scope of the controlled substance abuse problem in Utah and the nation;

1953 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
1954 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation
1955 Strategy, as published July 9, 2012, or as it may be subsequently revised;

1956 (c) the national and Utah-specific resources available to prescribers to assist in
1957 appropriate controlled substance and opioid prescribing;

1958 (d) patient record documentation for controlled substance and opioid prescribing; ~~and~~

1959 (e) office policies, procedures, and implementation[-]; and

1960 (f) some training regarding medical cannabis, as that term is defined in Section
1961 26-61a-102.

1962 (7) (a) The division, in consultation with the Utah Medical Association Foundation,
1963 shall determine whether a particular controlled substance prescribing class satisfies the
1964 educational content requirements of Subsections (4) and (6) for an M.D. or D.O.

1965 (b) The division, in consultation with the applicable professional licensing boards,
1966 shall determine whether a particular controlled substance prescribing class satisfies the
1967 educational content requirements of Subsections (4) and (6) for a controlled substance
1968 prescriber other than an M.D. or D.O.

1969 (c) The division may by rule establish a committee that may audit compliance with the
1970 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project
1971 grant, that satisfies the educational content requirements of Subsections (4) and (6) for a
1972 controlled substance prescriber.

1973 (d) The division shall consult with the Department of Health regarding the medical
1974 cannabis training described in Subsection (6)(f).

1975 (8) A controlled substance prescribing class required under this section:

1976 (a) may be held:

1977 (i) in conjunction with other continuing professional education programs; and

1978 (ii) online; and

1979 (b) does not increase the total number of state-required continuing professional
1980 education hours required for prescriber licensing.

1981 (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
1982 Administrative Rulemaking Act, to implement this section.

1983 (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver
1984 to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction
1985 Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours
1986 of the continuing education requirement under Subsection (3) for two consecutive licensing
1987 periods.

1988 Section 19. Section **58-67-502** is amended to read:

1989 **58-67-502. Unprofessional conduct.**

1990 (1) "Unprofessional conduct" includes, in addition to the definition in Section
1991 [58-1-501](#):

1992 (a) using or employing the services of any individual to assist a licensee in any manner
1993 not in accordance with the generally recognized practices, standards, or ethics of the
1994 profession, state law, or division rule;

1995 (b) making a material misrepresentation regarding the qualifications for licensure under
1996 Section [58-67-302.7](#) or Section [58-67-302.8](#);

1997 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
1998 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

1999 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2000 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

2001 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2002 or an individual under the direction or control of an individual licensed under this chapter; or

2003 (ii) conduct described in Subsections (1)(a) through (d) or Subsection [58-1-501\(1\)](#).

2004 (2) "Unprofessional conduct" does not include:

2005 (a) in compliance with Section [58-85-103](#):

2006 (i) obtaining an investigational drug or investigational device;

2007 (ii) administering the investigational drug to an eligible patient; or

2008 (iii) treating an eligible patient with the investigational drug or investigational device;

2009 or

2010 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2011 (i) when registered as a qualified medical provider or acting as a limited medical

2012 provider, as [~~that term is~~] those terms are defined in Section 26-61a-102, recommending the

2013 use of medical cannabis;

2014 (ii) when registered as a pharmacy medical provider, as that term is defined in Section

2015 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

2016 (iii) when registered as a state central patient portal medical provider, as that term is

2017 defined in Section 26-61a-102, providing state central patient portal medical provider services.

2018 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and

2019 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define

2020 unprofessional conduct for a physician described in Subsection (2)(b).

2021 Section 20. Section 58-68-502 is amended to read:

2022 **58-68-502. Unprofessional conduct.**

2023 (1) "Unprofessional conduct" includes, in addition to the definition in Section

2024 58-1-501:

2025 (a) using or employing the services of any individual to assist a licensee in any manner

2026 not in accordance with the generally recognized practices, standards, or ethics of the

2027 profession, state law, or division rule;

2028 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical

2029 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2030 (c) making a material misrepresentation regarding the qualifications for licensure under

2031 Section 58-68-302.5;

2032 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2033 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

2034 (i) a wrongful or negligent act or omission of an individual licensed under this chapter

2035 or an individual under the direction or control of an individual licensed under this chapter; or

2036 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

2037 (2) "Unprofessional conduct" does not include:

2038 (a) in compliance with Section 58-85-103:

2039 (i) obtaining an investigational drug or investigational device;

2040 (ii) administering the investigational drug to an eligible patient; or

2041 (iii) treating an eligible patient with the investigational drug or investigational device;

2042 or

2043 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2044 (i) when registered as a qualified medical provider or acting as a limited medical
2045 provider, as ~~[that term is]~~ those terms are defined in Section 26-61a-102, recommending the
2046 use of medical cannabis;

2047 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
2048 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

2049 (iii) when registered as a state central patient portal medical provider, as that term is
2050 defined in Section 26-61a-102, providing state central patient portal medical provider services.

2051 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
2052 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2053 unprofessional conduct for a physician described in Subsection (2)(b).

2054 Section 21. Section 58-70a-503 is amended to read:

2055 **58-70a-503. Unprofessional conduct.**

2056 (1) "Unprofessional conduct" includes:

2057 (a) violation of a patient confidence to any person who does not have a legal right and a
2058 professional need to know the information concerning the patient;

2059 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
2060 or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for
2061 a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts
2062 prescribed or provided;

2063 (c) prescribing prescription drugs for oneself or administering prescription drugs to
2064 oneself, except those that have been legally prescribed for the physician assistant by a licensed
2065 practitioner and that are used in accordance with the prescription order for the condition
2066 diagnosed;

2067 (d) failure to maintain at the practice site a delegation of services agreement that
2068 accurately reflects current practices;

2069 (e) failure to make the delegation of services agreement available to the division for
2070 review upon request;

2071 (f) in a practice that has physician assistant ownership interests, failure to allow the

2072 supervising physician the independent final decision making authority on patient treatment
2073 decisions, as set forth in the delegation of services agreement or as defined by rule;

2074 (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2075 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; or

2076 (h) falsely making an entry in, or altering, a medical record with the intent to conceal:

2077 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2078 or an individual under the direction or control of an individual licensed under this chapter; or

2079 (ii) conduct described in Subsections (1)(a) through (g) or Subsection 58-1-501(1).

2080 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2081 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
2082 limited medical provider, as [~~that term is~~] those terms are defined in Section 26-61a-102,
2083 recommending the use of medical cannabis.

2084 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
2085 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2086 unprofessional conduct for a physician assistant described in Subsection (2).

2087 Section 22. Section 62A-4a-404 is amended to read:

2088 **62A-4a-404. Fetal alcohol syndrome or spectrum disorder and drug dependency**
2089 **-- Reporting requirements.**

2090 (1) As used in this section:

2091 (a) "Health care provider" means:

2092 (i) an individual licensed under:

2093 (A) Title 58, Chapter 31b, Nurse Practice Act;

2094 (B) Title 58, Chapter 44a, Nurse Midwife Practice Act;

2095 (C) Title 58, Chapter 67, Utah Medical Practice Act;

2096 (D) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

2097 (E) Title 58, Chapter 70a, Utah Physician Assistant Act; or

2098 (F) Title 58, Chapter 77, Direct-Entry Midwife Act; or

2099 (ii) an unlicensed individual who practices midwifery.

2100 (b) "Newborn child" means a child who is 30 days of age or younger.

2101 (c) "[~~Qualified~~] Recommending medical provider" means the same as that term is
2102 defined in Section 26-61a-102.

2103 (d) (i) "Substance abuse" means the misuse or excessive use of alcohol or other drugs
2104 or substances.

2105 (ii) "Substance abuse" does not include use of drugs or other substances that are:

2106 (A) obtained by lawful prescription and used as prescribed; or

2107 (B) obtained in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act,
2108 and used as recommended by a [qualified] recommending medical provider.

2109 (2) A health care provider who attends the birth of a newborn child or cares for a
2110 newborn child and determines any of the following, shall report the determination to the
2111 division as soon as possible:

2112 (a) the newborn child:

2113 (i) is adversely affected by the child's mother's substance abuse during pregnancy;

2114 (ii) has fetal alcohol syndrome or fetal alcohol spectrum disorder; or

2115 (iii) demonstrates drug or alcohol withdrawal symptoms; or

2116 (b) the parent of the newborn child or a person responsible for the child's care
2117 demonstrates functional impairment or an inability to care for the child as a result of the
2118 parent's or person's substance abuse.

2119 Section 23. Section **67-3-11** is amended to read:

2120 **67-3-11. Health care price transparency tool -- Transparency tool requirements.**

2121 (1) The state auditor shall create a health care price transparency tool:

2122 (a) subject to appropriations from the Legislature and any available funding from
2123 third-party sources;

2124 (b) with technical support from the Public Employees' Benefit and Insurance Program
2125 created in Section [49-20-103](#), the Department of Health, and the Insurance Department; and

2126 (c) in accordance with the requirements in Subsection (2).

2127 (2) A health care price transparency tool created by the state auditor under this section
2128 shall:

2129 (a) present health care price information for consumers in a manner that is clear and
2130 accurate;

2131 (b) be available to the public in a user-friendly manner;

2132 (c) incorporate existing data collected under Section [26-33a-106.1](#);

2133 (d) incorporate data collected under Section [26-61a-106](#), regarding fees for qualified

2134 medical providers recommending medical cannabis, as those terms are defined in Section
2135 26-61a-102;

2136 [~~(d)~~] (e) group billing codes for common health care procedures;
2137 [~~(e)~~] (f) be updated on a regular basis; and
2138 [~~(f)~~] (g) be created and operated in accordance with all applicable state and federal
2139 laws.

2140 (3) The state auditor may make the health care pricing data from the health care price
2141 transparency tool available to the public through an application program interface format if the
2142 data meets state and federal data privacy requirements.

2143 (4) (a) Before making a health care price transparency tool available to the public, the
2144 state auditor shall:

2145 (i) seek input from the Health Data Committee created in Section 26-1-7 on the overall
2146 accuracy and effectiveness of the reports provided by the health care price transparency tool;
2147 and

2148 (ii) establish procedures to give data providers a 30-day period to review pricing
2149 information before the state auditor publishes the information on the health care price
2150 transparency tool.

2151 (b) If the state auditor complies with the requirements of Subsection (4)(a), the health
2152 care price transparency tool is not subject to the requirements of Section 26-33a-107.

2153 (5) Each year in which a health care price transparency tool is operational, the state
2154 auditor shall report to the Health and Human Services Interim Committee before November 1
2155 of that year:

2156 (a) the utilization of the health care price transparency tool; and

2157 (b) policy options for improving access to health care price transparency data.

2158 Section 24. Section 78A-2-231 is amended to read:

2159 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

2160 (1) As used in this section:

2161 (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2162 (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2163 (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2164 (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2165 (e) "Medical cannabis card" means the same as that term is defined in Section
2166 26-61a-102.

2167 (f) "Medical cannabis device" means the same as that term is defined in Section
2168 26-61a-102.

2169 (g) "[~~Qualified~~] Recommending medical provider" means the same as that term is
2170 defined in Section 26-61a-102.

2171 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
2172 makes a finding, determination, or otherwise considers an individual's possession or use of
2173 medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or
2174 court commissioner may not consider or treat the individual's possession or use any differently
2175 than the lawful possession or use of any prescribed controlled substance if:

2176 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
2177 Establishments;

2178 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

2179 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
2180 Medical Cannabis Act; and

2181 (ii) the individual reasonably complies with the directions of use and dosing guidelines
2182 determined by the individual's [~~qualified~~] recommending medical provider or through a
2183 consultation described in Subsection 26-61a-502(4) or (5).

2184 (3) Notwithstanding Sections 77-18-1 and 77-2a-3, for probation, release, a plea in
2185 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
2186 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
2187 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
2188 device, either directly or through a general prohibition on violating federal law, without an
2189 exception related to medical cannabis use, if the individual's use or possession complies with:

2190 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2191 (b) Subsection 58-37-3.7(2) or (3).

2192 Section 25. Section 78A-6-115 is amended to read:

2193 **78A-6-115. Hearings -- Record -- County attorney or district attorney**
2194 **responsibilities -- Attorney general responsibilities -- Disclosure -- Admissibility of**
2195 **evidence -- Cannabis.**

2196 (1) (a) A verbatim record of the proceedings shall be taken in all cases that might result
2197 in deprivation of custody as defined in this chapter. In all other cases a verbatim record shall
2198 also be made unless dispensed with by the court.

2199 (b) (i) For purposes of this Subsection (1)(b):

2200 (A) "Record of a proceeding" does not include documentary materials of any type
2201 submitted to the court as part of the proceeding, including items submitted under Subsection
2202 (4)(a).

2203 (B) "Subjects of the record" includes the child's guardian ad litem, the child's legal
2204 guardian, the Division of Child and Family Services, and any other party to the proceeding.

2205 (ii) Notwithstanding any other provision, including Title 63G, Chapter 2, Government
2206 Records Access and Management Act, the court shall release a record of a proceeding made
2207 under Subsection (1)(a) to any person upon a finding on the record for good cause.

2208 (iii) Following a petition for a record of a proceeding made under Subsection (1)(a),
2209 the court shall:

2210 (A) provide notice to all subjects of the record that a request for release of the record
2211 has been made; and

2212 (B) allow sufficient time for the subjects of the record to respond before making a
2213 finding on the petition.

2214 (iv) A record of a proceeding may not be released under this Subsection (1)(b) if the
2215 court's jurisdiction over the subjects of the proceeding ended more than 12 months before the
2216 day on which the request is made.

2217 (2) (a) Except as provided in Subsection (2)(b), the county attorney or, if within a
2218 prosecution district, the district attorney shall represent the state in any proceeding in a minor's
2219 case.

2220 (b) Subject to the attorney general's prosecutorial discretion in civil enforcement
2221 actions, the attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child and
2222 Family Services, and this chapter, relating to:

2223 (i) protection or custody of an abused, neglected, or dependent child; and

2224 (ii) petitions for termination of parental rights.

2225 (3) The board may adopt special rules of procedure to govern proceedings involving
2226 violations of traffic laws or ordinances, wildlife laws, and boating laws. However, proceedings

2227 involving offenses under Section 78A-6-606 are governed by that section regarding suspension
2228 of driving privileges.

2229 (4) (a) For the purposes of determining proper disposition of the minor in dispositional
2230 hearings and establishing the fact of abuse, neglect, or dependency in adjudication hearings and
2231 in hearings upon petitions for termination of parental rights, written reports and other material
2232 relating to the minor's mental, physical, and social history and condition may be received in
2233 evidence and may be considered by the court along with other evidence. The court may require
2234 that the individual who wrote the report or prepared the material appear as a witness if the
2235 individual is reasonably available.

2236 (b) For the purpose of determining proper disposition of a minor alleged to be or
2237 adjudicated as abused, neglected, or dependent, dispositional reports prepared by the division
2238 under Section 78A-6-315 may be received in evidence and may be considered by the court
2239 along with other evidence. The court may require any individual who participated in preparing
2240 the dispositional report to appear as a witness, if the individual is reasonably available.

2241 (5) (a) Except as provided in Subsections (5)(c) through (e), in an abuse, neglect, or
2242 dependency proceeding occurring after the commencement of a shelter hearing under Section
2243 78A-6-306 or the filing of a petition under Section 78A-6-304, each party to the proceeding
2244 shall provide in writing to the other parties or their counsel any information which the party:

2245 (i) plans to report to the court at the proceeding; or

2246 (ii) could reasonably expect would be requested of the party by the court at the
2247 proceeding.

2248 (b) The disclosure required under Subsection (5)(a) shall be made:

2249 (i) for dispositional hearings under Sections 78A-6-311 and 78A-6-312, no less than
2250 five days before the day on which the proceeding is held;

2251 (ii) for proceedings under Chapter 6, Part 5, Termination of Parental Rights Act, in
2252 accordance with Utah Rules of Civil Procedure; and

2253 (iii) for all other proceedings, no less than five days before the day on which the
2254 proceeding is held.

2255 (c) The division is not required to provide a court report or a child and family plan to
2256 each party to the proceeding if:

2257 (i) the information is electronically filed with the court; and

2258 (ii) each party to the proceeding has access to the electronically filed information.

2259 (d) If a party to a proceeding obtains information after the deadline in Subsection
2260 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the
2261 party certifies to the court that the information was obtained after the deadline.

2262 (e) Subsection (5)(a) does not apply to:

2263 (i) pretrial hearings; and

2264 (ii) the frequent, periodic review hearings held in a dependency drug court case to
2265 assess and promote the parent's progress in substance use disorder treatment.

2266 (6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court
2267 may, in the court's discretion, consider evidence of statements made by a child under eight
2268 years of age to an individual in a trust relationship.

2269 (7) (a) As used in this Subsection (7):

2270 (i) "Cannabis" means the same as that term is defined in Section 26-61a-102.

2271 (ii) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2272 (iii) (A) "Chronic" means repeated or patterned.

2273 (B) "Chronic" does not mean an isolated incident.

2274 (iv) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2275 (v) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2276 (vi) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2277 (vii) "Medical cannabis cardholder" means the same as that term is defined in Section
2278 26-61a-102.

2279 (viii) "[~~Qualified~~] Recommending medical provider" means the same as that term is
2280 defined in Section 26-61a-102.

2281 (b) In any child welfare proceeding in which the court makes a finding, determination,
2282 or otherwise considers an individual's possession or use of medical cannabis, a cannabis
2283 product, or a medical cannabis device, the court may not consider or treat the individual's
2284 possession or use any differently than the lawful possession or use of any prescribed controlled
2285 substance if:

2286 (i) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
2287 Production Establishments;

2288 (ii) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

2289 (iii) (A) the individual's possession or use complies with Title 26, Chapter 61a, Utah
2290 Medical Cannabis Act; and

2291 (B) the individual reasonably complies with the directions of use and dosing guidelines
2292 determined by the individual's [~~qualified~~] recommending medical provider or through a
2293 consultation described in Subsection 26-61a-502(4) or (5).

2294 (c) In a child welfare proceeding, a parent's or guardian's use of cannabis or a cannabis
2295 product is not abuse or neglect of a child under Section 78A-6-105 unless there is evidence
2296 showing that:

2297 (i) the child is harmed because of the child's inhalation or ingestion of cannabis, or
2298 because of cannabis being introduced to the child's body in another manner; or

2299 (ii) the child is at an unreasonable risk of harm because of chronic inhalation or
2300 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

2301 (d) Unless there is harm or an unreasonable risk of harm to the child as described in
2302 Subsection (7)(c), in a child welfare proceeding a parent's or guardian's use of medical cannabis
2303 or a cannabis product is not contrary to the best interests of a child if:

2304 (i) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
2305 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
2306 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
2307 from the directions of use and dosing guidelines determined by the parent's or guardian's
2308 [~~qualified~~] recommending medical provider or through a consultation described in Subsection
2309 26-61a-502(4) or (5); or

2310 (ii) before January 1, 2021, the parent's or guardian's possession or use complies with
2311 Subsection 58-37-3.7(2) or (3).

2312 (e) Subsection (7)(c) does not prohibit a finding of abuse or neglect of a child under
2313 Section 78A-6-105, and Subsection (7)(d) does not prohibit a finding that a parent's or
2314 guardian's use of medical cannabis or a cannabis product is contrary to the best interests of a
2315 child, if there is evidence showing a nexus between the parent's or guardian's use of cannabis or
2316 a cannabis product and behavior that would separately constitute abuse or neglect of the child.

2317 Section 26. **Effective date.**

2318 If approved by two-thirds of all the members elected to each house, this bill takes effect
2319 upon approval by the governor, or the day following the constitutional time limit of Utah

2320 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
2321 the date of veto override.

2322 Section 27. **Revisor instructions.**

2323 The Legislature intends that the Office of Legislative Research and General Counsel, in
2324 preparing the Utah Code database for publication, replace the language "the effective date of
2325 this bill" in Subsections 26-61a-201(8)(b)(ii) and 58-37-3.7(2) to the bill's actual effective date.

2326 Section 28. **Coordinating S.B. 170 with S.B. 27 -- Substantive amendments.**

2327 If this S.B. 170 and S.B. 27, Physician Assistant Act Amendments, both pass and
2328 become law, it is the intent of the Legislature that the Office of Legislative Research and
2329 General Counsel shall prepare the Utah Code database for publication by amending Subsection
2330 26-61a-102(45) to read:

2331 "(45) "Recommending qualifications" means that an individual:

2332 (a) (i) has the authority to write a prescription;

2333 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2334 Controlled Substances Act; and

2335 (iii) possesses the authority, in accordance with the individual's scope of practice, to
2336 prescribe a Schedule II controlled substance; and

2337 (b) who is licensed as:

2338 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2339 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
2340 Act;

2341 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
2342 Chapter 68, Utah Osteopathic Medical Practice Act; or

2343 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act
2344 whose supervising physician is a qualified medical provider."