

119 higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

120 ~~[(4)]~~ (6) "Industrial hemp certificate holder" means a person possessing an industrial  
121 hemp certificate that the department issues under this chapter.

122 ~~[(5)]~~ (7) "Industrial hemp laboratory permit" means a permit that the department issues  
123 to a laboratory qualified to test industrial hemp under the state hemp production plan.

124 ~~[(6)]~~ (8) "Industrial hemp producer license" means a license that the department issues  
125 to a person for the purpose of cultivating or processing industrial hemp or an industrial hemp  
126 product.

127 ~~[(7)]~~ (9) "Industrial hemp retailer permit" means a permit that the department issues to  
128 a retailer who sells any industrial hemp product.

129 ~~[(8)]~~ (10) "Industrial hemp product" means a product derived from, or made by,  
130 processing industrial hemp plants or industrial hemp parts.

131 ~~[(9)]~~ (11) "Laboratory permittee" means a person possessing an industrial hemp  
132 laboratory permit that the department issues under this chapter.

133 ~~[(10)]~~ (12) "Licensee" means a person possessing an industrial hemp producer license  
134 that the department issues under this chapter.

135 ~~[(11)]~~ (13) "Medicinal dosage form" means:

136 (a) a tablet;

137 (b) a capsule;

138 (c) a concentrated oil;

139 (d) a liquid suspension ~~that~~ **§→ , after December 1, 2022, ←§** does not exceed 30ml;

140 (e) a sublingual preparation;

141 (f) a topical preparation;

142 (g) a transdermal preparation;

143 (h) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular  
144 cuboid shape; or

145 (i) other preparations that the department approves.

146 ~~[(12)]~~ (14) "Non-compliant material" means:

147 (a) a hemp plant ~~[or hemp product]~~ that does not comply with this chapter, including a  
148 cannabis plant ~~[or product that contains]~~ with a concentration of 0.3% tetrahydrocannabinol or  
149 greater by dry weight~~[-]; and~~

150 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds  
 151 the cannabinoid product THC level.

152 ~~[(13)]~~ (15) "Permittee" means a person possessing a permit that the department issues  
 153 under this chapter.

154 ~~[(14)]~~ (16) "Person" means:

155 (a) an individual, partnership, association, firm, trust, limited liability company, or  
 156 corporation; and

157 (b) an agent or employee of an individual, partnership, association, firm, trust, limited  
 158 liability company, or corporation.

159 ~~[(15)]~~ (17) "Research pilot program" means a program conducted by the department in  
 160 collaboration with at least one licensee to study methods of cultivating, processing, or  
 161 marketing industrial hemp.

162 ~~[(16)]~~ (18) "Retailer permittee" means a person possessing an industrial hemp retailer  
 163 permit that the department issues under this chapter.

164 ~~[(17)]~~ (19) "State hemp production plan" means a plan submitted by the state to, and  
 165 approved by, the United States Department of Agriculture in accordance with 7 C.F.R. Chapter  
 166 990.

167 (20) "Tetrahydrocannabinol" or "THC" means ~~§~~ → [a substance derived from cannabis or a  
 168 synthetic cannabinoid equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA)] delta-9-  
 168a tetrahydrocannabinol, the cannabinoid identified as CAS# 1972-08-3 ← ~~§~~ .

169 (21) (a) "THC analog" means a substance that is structurally or pharmacologically  
 170 substantially similar to, or is represented as being similar to, delta-9-THC.

171 (b) "THC analog" does not include the following substances or the naturally occurring  
 172 acid forms of the following substances:

173 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;

174 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;

175 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;

176 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;

177 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;

178 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;

179 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;

180 (viii) cannabinol (CBN), the cannabinoid identified as CAS# 521-35-7;

181 (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or  
 182 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#  
 183 31262-37-0.

184 (22) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined  
 185 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC = delta-9 THC  
 186 + (THCA x 0.877)."

187 Section 2. Section **4-41-103.3** is amended to read:

188 **4-41-103.3. Industrial hemp retailer permit.**

189 (1) ~~[A]~~ Except as provided in Subsection (4), a retailer permittee of the department  
 190 may market or sell industrial hemp products.

191 (2) A person seeking an industrial hemp retailer permit shall provide to the department:

- 192 (a) the name of the person that is seeking to market or sell an industrial hemp product;
- 193 (b) the address of each location where the industrial hemp product will be sold; and
- 194 (c) written consent allowing a representative of the department to enter all premises

195 where the person is selling an industrial hemp product for the purpose of:

- 196 (i) conducting a physical inspection; or
- 197 (ii) ensuring compliance with the requirements of this chapter.

198 (3) The department may set a fee in accordance with Subsection 4-2-103(2) for the  
 199 application for an industrial hemp retailer permit.

200 (4) ~~§→ [A retailer permittee that markets]~~ **Any marketing for** ~~←§~~ an industrial hemp  
 200a product ~~§→ [or that sells an~~  
 201 **industrial hemp product]** ~~←§~~ shall include ~~§→ [in any marketing]~~ ~~←§~~ a notice to consumers that  
 201a the product  
 202 is hemp and is not cannabis or medical cannabis, as those terms are defined in Section  
 203 26-61a-102.

204 Section 3. Section **4-41-103.4** is amended to read:

205 **4-41-103.4. Industrial hemp laboratory permit.**

206 (1) The department or a laboratory permittee of the department may test industrial  
 207 hemp and industrial hemp products.

208 (2) The department or a laboratory permittee of the department may dispose of  
 209 non-compliant material.

210 (3) A laboratory seeking an industrial hemp laboratory permit shall:

- 211 (a) demonstrate to the department that:

243 any provision of this title.

244 Section 5. Section ~~4-41-402~~ is amended to read:

245 **4-41-402. Cannabinoid sales and use authorized.**

246 (1) The sale or use of a cannabinoid product is prohibited:

247 (a) except as provided in this chapter; or

248 (b) unless the United States Food and Drug Administration approves the product.

249 (2) The department shall keep a list of registered cannabinoid products that the

250 department has determined, in accordance with Section ~~4-41-403~~, are safe for human

251 consumption.

252 (3) (a) A person may sell or use a cannabinoid product that is in the list of registered  
253 cannabinoid products described in Subsection (2).

254 (b) An individual may use cannabidiol or a cannabidiol product that is not in the list of  
255 registered cannabinoid products described in Subsection (2) if:

256 (i) the individual purchased the product outside the state; and

257 (ii) the product's contents do not violate Title 58, Chapter 37, Utah Controlled  
258 Substances Act.

259 (4) ~~Any~~ ~~person~~ ~~marketing~~ ~~for~~ ~~a cannabinoid product~~ ~~or selling a~~  
259a ~~cannabinoid product~~ shall

260 ~~include~~ ~~in any marketing~~ ~~a notice to consumers that the product is hemp or CBD and is~~  
260a ~~not~~

261 ~~cannabis or medical cannabis, as those terms are defined in Section 26-61a-102.~~

262 Section 6. Section ~~4-41a-102~~ is amended to read:

263 **~~4-41a-102. Definitions.~~**

264 As used in this chapter:

265 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may  
266 be injurious to health, including:

267 (a) pesticides;

268 (b) heavy metals;

269 (c) solvents;

270 (d) microbial life;

271 (e) toxins; or

272 (f) foreign matter.

273 (2) "Cannabinoid Product Board" means the Cannabinoid Product Board created in

894            [~~(38)~~] (36) "Medical cannabis shipment" means a shipment of medical cannabis or a  
895 medical cannabis product that a home delivery medical cannabis pharmacy or a medical  
896 cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an  
897 electronic medical cannabis order that the state central patient portal facilitates.

898            [~~(39)~~] (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a  
899 cannabis product in a medicinal dosage form, or a medical cannabis device.

900            [~~(40)~~] (38) (a) "Medicinal dosage form" means:

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

903            (A) a tablet;

904            (B) a capsule;

905            (C) a concentrated liquid or viscous oil;

906            (D) a liquid suspension that ~~is~~ , after December 1, 2022, ~~is~~ does not exceed 30 ml;

907            (E) a topical preparation;

908            (F) a transdermal preparation;

909            (G) a sublingual preparation;

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

912            (I) a resin or wax; or

913            (J) an aerosol; or

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

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

917            (B) at any time the medical cannabis cardholder transports or possesses the container in  
918 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;  
919 and

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

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

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

1173 (iii) discussing or sharing that information about the patient with the patient.

1174 Section 16. Section **26-61a-111** is amended to read:

1175 **26-61a-111. Nondiscrimination for medical care or government employment --**  
 1176 **Notice to prospective and current public employees -- No effect on private employers.**

1177 (1) For purposes of medical care, including an organ or tissue transplant, a patient's  
 1178 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis  
 1179 product in a medicinal dosage form:

1180 (a) is considered the equivalent of the authorized use of any other medication used at  
 1181 the discretion of a physician; and

1182 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
 1183 individual from needed medical care.

1184 (2) (a) Notwithstanding any other provision of law and except as provided in  
 1185 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical  
 1186 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or  
 1187 political subdivision treats employee use of any prescribed controlled substance.

1188 (b) A state or political subdivision employee who has a valid medical cannabis card is  
 1189 not subject to adverse action, as that term is defined in Section 67-21-2, for failing a drug test  
 1190 due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or  
 1191 otherwise adversely affected in the employee's job performance due to the use of medical  
 1192 cannabis.

1193 (c) Subsections (2)(a) and (b) do not apply:

1194 (i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a  
 1195 federal security clearance, or any other federal background determination required for the  
 1196 employee's position~~[-or]~~;

1197 (ii) if the employee's position is dependent on a license or ~~H~~→ [law enforcement] peace  
 1197a officer ←~~H~~

1198 certification that is subject to federal regulations~~[-]~~, including 18 U.S.C. Sec. 922(g)(3); or

1199 (iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses  
 1200 medical cannabis during the 12 hours immediately preceding the employee's shift or during the  
 1201 employee's shift.

1202 (3) (a) (i) A state employer or a political subdivision employer shall take the action  
 1203 described in Subsection (3)(a)(ii) before: