

26 ~~§→ [→ allows a student's lawful dosage of medical cannabis on school grounds;]~~ ←§

27 ▶ codifies a rule regarding the names and logos of medical cannabis pharmacies;

28 ▶ clarifies the enforcement authority of the Department of Health in relation to
29 licensed medical cannabis couriers;

30 ▶ requires certain individuals overseeing certain higher education medical training to
31 be qualified medical providers; and

32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **4-41a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350

40 **26-21-2.1**, as last amended by Laws of Utah 1997, Chapter 209

41 **26-61-102**, as enacted by Laws of Utah 2017, Chapter 398

42 **26-61-201**, as last amended by Laws of Utah 2018, Chapter 110

43 **26-61a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350

44 **26-61a-104**, as last amended by Laws of Utah 2020, Chapter 12

45 **26-61a-105**, as last amended by Laws of Utah 2021, Chapter 350

46 **26-61a-106**, as last amended by Laws of Utah 2021, Chapters 337 and 350

47 **26-61a-201**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350 and
48 further amended by Revisor Instructions, Laws of Utah 2021, Chapter 337

49 **26-61a-202**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350

50 **26-61a-403**, as last amended by Laws of Utah 2021, Chapters 337 and 350

51 **26-61a-505**, as last amended by Laws of Utah 2021, Chapter 350

52 **26-61a-604**, as last amended by Laws of Utah 2020, Chapter 354

53 **26-61a-607**, as last amended by Laws of Utah 2021, Chapter 350

54 **26-61a-702**, as last amended by Laws of Utah 2020, Chapter 354

55 ENACTS:

56 **26-61a-116**, Utah Code Annotated 1953

770 specific purpose of providing hospice and palliative care.

771 (5) A recommending medical provider may recommend medical cannabis to an
772 individual under this chapter only in the course of a provider-patient relationship after the
773 recommending medical provider has completed and documented in the patient's medical record
774 a thorough assessment of the patient's condition and medical history based on the appropriate
775 standard of care for the patient's condition.

776 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
777 individual recommends a medical cannabis treatment [~~in accordance with this chapter~~].

778 (b) [~~For purposes of~~] Notwithstanding Subsection (6)(a)[~~, the communication of the~~
779 ~~following, through a website, by a qualified medical provider, does not constitute advertising:]~~
780 and subject to Section 26-61a-116, a qualified medical provider or clinic or office that employs
781 a qualified medical provider may advertise the following:

782 (i) a green cross ~~§→~~ , the provider or clinic's name and logo ←§ ;

783 (ii) a qualifying condition that the individual treats;

784 (iii) [~~the individual's registration~~] that the individual is registered as a qualified medical
785 provider and recommends medical cannabis; or

786 (iv) a scientific study regarding medical cannabis use.

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

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

791 (i) applies for renewal;

792 (ii) is eligible for a qualified medical provider registration card under this section,
793 including maintaining an unrestricted license under the recommending qualifications;

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

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

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

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

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

1018 (ii) The recommending medical provider may revoke a recommendation that the
 1019 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical
 1020 cannabis cardholder no longer has the terminal illness.

1021 (c) A medical cannabis card that the department issues in relation to acute pain as
 1022 described in Section 26-61a-104 expires 30 days after the day on which the department first
 1023 issues a conditional or full medical cannabis card.

1024 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
 1025 renewable if:

1026 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
 1027 (b); or

1028 (ii) the cardholder received the medical cannabis card through the recommendation of
 1029 the Compassionate Use Board under Section 26-61a-105.

1030 (b) ~~§~~ **→ (i) ←** ~~§~~ [A] The recommending medical provider who made the underlying
 1031 recommendation for the card of a cardholder described in Subsection (6)(a) may renew the
 1032 cardholder's card[: (i) using the application process described in Subsection (3); or (ii)]
 1033 through phone or video conference with the [recommending medical provider who made the
 1034 recommendation underlying the card, at the qualifying] cardholder, at the recommending
 1035 medical provider's discretion.

1035a **§** **→ (ii) A recommending medical provider who works within the same clinic or practice as the**
 1035b **recommending medical provider described in Subsection (6)(b)(i) may renew the cardholder's**
 1035c **card after a face-to-face visit with the cardholder. ←** ~~§~~

1036 (c) [A] Before having access to a renewed card, a cardholder under Subsection (2)(a) or
 1037 (b) [who renews the cardholder's card] shall pay to the department a renewal fee in an amount
 1038 that:

1039 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
 1040 63J-1-504; and

1041 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
 1042 comparison to the original application process.

1043 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
 1044 patient card renews automatically at the time the minor's parent or legal guardian renews the
 1045 parent or legal guardian's associated medical cannabis guardian card.

1046 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
 1047 cannabis card with the patient's name.

1048 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may

1111 cardholder's consent to participate in external research at any time.

1112 (e) The department may release, for the purposes of a study described in this
1113 Subsection (12), information about a cardholder under this section who consents to participate
1114 under Subsection (12)(c).

1115 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
1116 consent:

1117 (i) applies to external research that is initiated after the withdrawal of consent; and

1118 (ii) does not apply to research that was initiated before the withdrawal of consent.

1119 (g) The department may establish standards for a medical research study's validity, by
1120 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1121 (13) The department shall record the issuance or revocation of a medical cannabis card
1122 under this section in the controlled substance database.

1123 Section 11. Section **26-61a-202** is amended to read:

1124 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**

1125 **Revocation.**

1126 (1) (a) (i) A cardholder described in Section **26-61a-201** may designate, through the
1127 state central patient portal, up to two individuals, or an individual and a facility in accordance
1128 with Subsection (1)(b), to serve as a designated caregiver for the cardholder.

1129 (ii) The designation described in Subsection (1)(a)(i) takes effect if the state electronic
1130 verification system reflects a recommending medical provider's indication that the provider
1131 determines that, due to physical difficulty or undue hardship, including concerns of distance to
1132 a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical cannabis
1133 treatment that the recommending medical provider recommends.

1134 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
1135 electronic verification system is functionally capable of servicing the designation, a cardholder
1136 described in Section **26-61a-201** [~~who is a patient in~~] may designate one of the following types
1137 of facilities ~~§→ [may designate the facility] ←§~~ as one of the caregivers described in Subsection
1137a (1)(a):

1138 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
1139 **26-21-2**;

1140 (B) for a patient or resident, a nursing care facility, as that term is defined in Section
1141 **26-21-2**; ~~§→ [f] ←§~~ or ~~§→ [f] ←§~~

1142 (C) for a patient, a general acute hospital, as that term is defined in Section 26-21-2 ~~§~~ → [f]

1142a ~~←~~ ~~§~~ . ~~§~~ → [f];

1143 or

1144 ~~_____ (D) for a student in a public school for which the principal has agreed to the~~

1145 ~~designation, the student's school.] ←~~ ~~§~~

1146 (ii) A facility may:

1147 (A) assign one or more employees to assist patients with medical cannabis treatment

1148 under the caregiver designation described in this Subsection (1)(b)[-]; and

1149 (B) ~~§~~ → except for a school described in Subsection (1)(b)(i)(D), ← ~~§~~ receive a medical

1149a cannabis shipment from a medical cannabis pharmacy or a

1150 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who

1151 designated the facility as a caregiver.

1152 (iii) The department shall make rules to regulate the practice of facilities and facility

1153 employees serving as designated caregivers under this Subsection (1)(b).

1154 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in

1155 consultation with the minor and the minor's qualified medical provider, may designate, through

1156 the state central patient portal, up to two individuals to serve as a designated caregiver for the

1157 minor, if the department determines that the parent or legal guardian is not eligible for a

1158 medical cannabis guardian card under Section 26-61a-201.

1159 ~~§~~ → ~~[(d) A public school may not prohibit a student's dosage with medical cannabis or a~~

1160 ~~medical cannabis product on the school grounds under the supervision of a medical cannabis~~

1161 ~~guardian cardholder or a caregiver designated under this section.] ←~~ ~~§~~

1162 (2) An individual that the department registers as a designated caregiver under this

1163 section and a facility described in Subsection (1)(b):

1164 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver

1165 card;

1166 (b) in accordance with this chapter, may purchase, possess, transport, or assist the

1167 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal

1168 dosage form, or a medical cannabis device on behalf of the designating medical cannabis

1169 cardholder;

1170 (c) may not charge a fee to an individual to act as the individual's designated caregiver

1171 or for a service that the designated caregiver provides in relation to the role as a designated

1172 caregiver;

1328 (1) Except as provided in this section, a ~~[medical cannabis pharmacy]~~ person may not
 1329 advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical
 1330 cannabis within the state.

1331 (2) ~~[A]~~ Subject to Section 26-61a-116, a medical cannabis pharmacy may:

1332 (a) advertise an employment opportunity at the medical cannabis pharmacy~~[-];~~

1333 ~~[(3)(a) Notwithstanding]~~

1334 (b) notwithstanding any municipal or county ordinance prohibiting signage, ~~[a medical~~
 1335 ~~cannabis pharmacy may]~~ use signage on the outside of the medical cannabis pharmacy that:

1336 (i) includes only:

1337 (A) in accordance with Subsection ~~[(3)(b)]~~ 26-61a-116(4), the medical cannabis
 1338 pharmacy's name, logo, and hours of operation; and

1339 (B) a green cross; and

1340 (ii) complies with local ordinances regulating signage~~[-];~~

1341 ~~[(b) The department shall define standards for a medical cannabis pharmacy's name~~
 1342 ~~and logo to ensure a medical rather than recreational disposition.]~~

1343 ~~[(4) (a) A medical cannabis pharmacy may]~~

1344 (c) ~~§→ [maintain a website that includes]~~ ~~§→ [advertise ←§ information about]~~ advertise
 1344a in any medium ~~←§~~ :

1345 ~~§→~~ (i) the pharmacy's name and logo; ~~←§~~

1345a ~~§→~~ ~~[(i)]~~ (ii) ~~←§~~ the location and hours of operation of the medical cannabis pharmacy;

1346 ~~§→~~ ~~[(ii)]~~ (iii) ~~←§~~ a product or service available at the medical cannabis pharmacy;

1347 ~~§→~~ ~~[(iii)]~~ (iv) ~~←§~~ personnel affiliated with the medical cannabis pharmacy;

1348 ~~§→~~ ~~[(iv)]~~ (v) ~~←§~~ whether the medical cannabis pharmacy is licensed as a home delivery
 1348a medical

1349 cannabis pharmacy;

1350 ~~[(iv)]~~ ~~§→~~ ~~[(v)]~~ (vi) ~~←§~~ best practices that the medical cannabis pharmacy upholds; and

1351 ~~[(v)]~~ ~~§→~~ ~~[(vi)]~~ (vii) ~~←§~~ educational material related to the medical use of cannabis, as
 1351a defined by the

1352 department~~[-]; and~~

1353 (d) hold an educational event for the public or medical providers in accordance with
 1354 Subsection (3) and the rules described in Subsection (4).

1355 ~~[(b) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah~~
 1356 ~~Administrative Rulemaking Act, to define the educational material described in Subsection~~
 1357 ~~(4)(a).]~~

1358 ~~[(5) (a) A medical cannabis pharmacy may hold an educational event for the public or~~

1483 floor plan and an architectural elevation, and delivery vehicles;

1484 (b) a description of the credentials and experience of each officer, director, or owner of
1485 the proposed medical cannabis courier;

1486 (c) the medical cannabis courier's employee training standards;

1487 (d) a security plan; and

1488 (e) storage and delivery protocols, both short and long term, to ensure that medical
1489 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
1490 integrity of the cannabis.

1491 (15) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
1492 the transportation of medical cannabis.

1493 (b) Notwithstanding Subsection (15)(a) and subject to Section 26-61a-116, a licensed
1494 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
1495 advertise:

1496 (i) a green cross; ~~§~~→ [and]

1496a ~~(ii) the pharmacy's or courier's name and logo; and~~ ←~~§~~

1497 ~~§~~→ ~~(ii)~~ (iii) ←~~§~~ that the pharmacy or courier is licensed to transport medical cannabis
1497a shipments.

1498 Section 15. Section 26-61a-607 is amended to read:

1499 **26-61a-607. Home delivery of medical cannabis shipments.**

1500 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
1501 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
1502 medical cannabis pharmacy unless:

1503 (a) the individual receiving the shipment presents:

1504 (i) a valid form of photo identification; and

1505 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
1506 form of photo identification; [and] or

1507 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
1508 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and

1509 (b) the delivery occurs at:

1510 (i) the medical cannabis cardholder's home address that is on file in the state electronic
1511 verification system[-]; or

1512 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under