

MEDICAL CANNABIS GOVERNANCE STUDY

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill requires the Legislative Management Committee to create a working group to study and to make recommendations regarding a single state entity to oversee all medical cannabis regulation.

Highlighted Provisions:

This bill:

- ▶ requires the Legislative Management Committee to create a working group composed of members of two interim committees to study and make recommendations regarding a single state entity to oversee all medical cannabis regulation;
- ▶ requires the Department of Agriculture and Food and the Department of Health to report to the working group as requested;
- ▶ provides a repeal date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

29 **4-41a-802**, as last amended by Laws of Utah 2020, Chapter 148
30 **26-61a-703**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
31 **63I-2-236**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 8

32 ENACTS:

33 **36-12-8.2**, Utah Code Annotated 1953

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

35 **4-41a-802**, as last amended by Laws of Utah 2020, Chapter 148
36 **26-61a-703**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
37 **36-12-8.2**, Utah Code Annotated 1953
38 **63I-2-236**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 8



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

41 Section 1. Section **4-41a-802** is amended to read:

42 **4-41a-802. Report.**

43 (1) At or before the November interim meeting each year, the department shall report to
44 the Health and Human Services Interim Committee on:

45 (a) the number of applications and renewal applications that the department receives
46 under this chapter;

47 (b) the number of each type of cannabis production facility that the department licenses
48 in each county;

49 (c) the amount of cannabis that licensees grow;

50 (d) the amount of cannabis that licensees manufacture into cannabis products;

51 (e) the number of licenses the department revokes under this chapter;

52 (f) the department's operation of an independent cannabis testing laboratory under

53 Section **4-41a-201**, including:

54 (i) the cannabis and cannabis products the department tested; and

55 (ii) the results of the tests the department performed; and

56 (g) the expenses incurred and revenues generated under this chapter.
57 (2) The department may not include personally identifying information in the report
58 described in this section.

59 (3) During the 2022 legislative interim, the department shall report to the working
60 group described in Section 36-12-8.2 as requested by the working group.

61 Section 2. Section **26-61a-703** is amended to read:

62 **26-61a-703. Report.**

63 (1) By the November interim meeting each year beginning in 2020, the department
64 shall report to the Health and Human Services Interim Committee on:

- 65 (a) the number of applications and renewal applications filed for medical cannabis
66 cards;
- 67 (b) the number of qualifying patients and designated caregivers;
- 68 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 69 (d) the age and county of residence of cardholders;
- 70 (e) the number of medical cannabis cards revoked;
- 71 (f) the number of practitioners providing recommendations for qualifying patients;
- 72 (g) the number of license applications and renewal license applications received;
- 73 (h) the number of licenses the department has issued in each county;
- 74 (i) the number of licenses the department has revoked;
- 75 (j) the quantity of medical cannabis shipments that the state central patient portal
76 facilitates;
- 77 (k) the number of overall purchases of medical cannabis and medical cannabis products
78 from each medical cannabis pharmacy;
- 79 (l) the expenses incurred and revenues generated from the medical cannabis program;
80 and
- 81 (m) an analysis of product availability in medical cannabis pharmacies.
- 82 (2) The department may not include personally identifying information in the report

83 described in this section.

84 (3) During the 2022 legislative interim, the department shall report to the working
85 group described in Section 36-12-8.2 as requested by the working group.

86 Section 3. Section 36-12-8.2 is enacted to read:

87 **36-12-8.2. Medical cannabis governance structure working group.**

88 During the 2022 legislative interim, the Legislative Management Committee shall
89 establish a working group composed of three members of the Health and Human Services
90 Interim Committee and three members of the Natural Resources, Agriculture, and Environment
91 Interim Committee to:

92 (1) work with industry, patients, medical providers, and others to conduct a review of
93 the state's governance structure over medical cannabis;

94 (2) study various regulatory structures throughout the nation regarding state agency
95 regulation of medical cannabis; and

96 (3) at or before the October 2022 interim meeting, make recommendations to the
97 Health and Human Services Interim Committee and the Natural Resources, Agriculture, and
98 Environment Interim Committee on whether a committee should recommend committee
99 legislation to vertically integrate licenses, streamline regulations, and reduce costs for patients
100 by unifying the efforts of the Department of Health and the Department of Agriculture and
101 Food under a single state authority over medical cannabis.

102 Section 4. Section 63I-2-236 is amended to read:

103 **63I-2-236. Repeal dates -- Title 36.**

104 (1) Section 36-12-8.2 is repealed July 1, 2023.

105 [(1)] (2) Section 36-29-107.5 is repealed on November 30, 2023.

106 [(2)] (3) The following sections regarding the State Flag Task Force are repealed on
107 January 1, 2024:

108 (a) Section 36-29-201;

109 (b) Section 36-29-202; and

110 (c) Section [36-29-203](#).

111 Section 5. **Effective date.**

112 If approved by two-thirds of all the members elected to each house, this bill takes effect
113 upon approval by the governor, or the day following the constitutional time limit of Utah
114 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
115 the date of veto override.

116 Section 6. **Coordinating S.B. 153 with H.B. 397 -- Technical amendments.**

117 If this S.B. 153 and H.B. 397, Title 36 Recodification and Revisions, both pass and
118 become law, it is the intent of the Legislature that the Office of Legislative Research and
119 General Counsel, in preparing the Utah Code database for publication:

120 (1) renumber Section [36-12-8.2](#) enacted in this bill to Section [36-7a-701](#); and

121 (2) change the references in Sections [4-41a-802](#), [26-61a-703](#), and [63I-2-236](#) in this bill
122 from Section [36-12-8.2](#) to Section [36-7a-701](#).