

Senator Gene Davis proposes the following substitute bill:

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.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 [4-41a-802](#), as last amended by Laws of Utah 2020, Chapter 148

29 [26-61a-703](#), as last amended by Laws of Utah 2019, First Special Session, Chapter 5

30 [63I-2-236](#), as last amended by Laws of Utah 2021, Second Special Session, Chapter 8

31 ENACTS:

32 [36-12-8.2](#), Utah Code Annotated 1953

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

35 Section 1. Section [4-41a-802](#) is amended to read:

36 **[4-41a-802](#). Report.**

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

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

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

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

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

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

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

47 Section [4-41a-201](#), including:

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

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

50 (g) the expenses incurred and revenues generated under this chapter.

51 (2) The department may not include personally identifying information in the report
52 described in this section.

53 (3) During the 2022 legislative interim, the department shall report to the working
54 group described in Section [36-12-8.2](#) as requested by the working group.

55 Section 2. Section [26-61a-703](#) is amended to read:

56 **[26-61a-703](#). Report.**

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

59 (a) the number of applications and renewal applications filed for medical cannabis
60 cards;

61 (b) the number of qualifying patients and designated caregivers;

62 (c) the nature of the debilitating medical conditions of the qualifying patients;

63 (d) the age and county of residence of cardholders;

64 (e) the number of medical cannabis cards revoked;

65 (f) the number of practitioners providing recommendations for qualifying patients;

66 (g) the number of license applications and renewal license applications received;

67 (h) the number of licenses the department has issued in each county;

68 (i) the number of licenses the department has revoked;

69 (j) the quantity of medical cannabis shipments that the state central patient portal
70 facilitates;

71 (k) the number of overall purchases of medical cannabis and medical cannabis products
72 from each medical cannabis pharmacy;

73 (l) the expenses incurred and revenues generated from the medical cannabis program;
74 and

75 (m) an analysis of product availability in medical cannabis pharmacies.

76 (2) The department may not include personally identifying information in the report
77 described in this section.

78 (3) During the 2022 legislative interim, the department shall report to the working
79 group described in Section 36-12-802 as requested by the working group.

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

81 **36-12-8.2. Medical cannabis governance structure working group.**

82 During the 2022 legislative interim, the Legislative Management Committee shall
83 establish a working group composed of three members of the Health and Human Services
84 Interim Committee and three members of the Natural Resources, Agriculture, and Environment
85 Interim Committee to:

86 (1) conduct a review of the state's governance structure over medical cannabis;

87 (2) study various regulatory structures throughout the nation regarding state agency

88 regulation of medical cannabis; and
89 (3) at or before the October 2022 interim meeting, make recommendations to the
90 Health and Human Services Interim Committee and the Natural Resources, Agriculture, and
91 Environment Interim Committee for committee-recommended legislation to unify the efforts of
92 the Department of Health and the Department of Agriculture and Food under a single state
93 authority over medical cannabis.

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

95 **63I-2-236. Repeal dates -- Title 36.**

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

97 [~~1~~] (2) Section 36-29-107.5 is repealed on November 30, 2023.

98 [~~2~~] (3) The following sections regarding the State Flag Task Force are repealed on
99 January 1, 2024:

100 (a) Section 36-29-201;

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

102 (c) Section 36-29-203.

103 Section 5. **Effective date.**

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