

MEDICAL CANNABIS ACCESS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding patient access and medical professionals in relation to medical cannabis.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a hospice program to provide at least one qualified medical provider;
- ▶ renames the Cannabinoid Product Board as the Cannabis Research Review Board (board);
- ▶ requires physician members of the board to be qualified medical providers;
- ▶ adds acute pain for which a medical professional may generally prescribe opioids as a qualifying condition for a limited supply of medical cannabis;
- ▶ amends provisions related to advertising regarding medical cannabis;
- ▶ requires a recommending medical provider to consider a patient's history of substance use or opioid use disorder before recommending medical cannabis;
- ▶ amends provisions regarding the process to renew a medical cannabis card;
- ▶ allows a designated caregiver facility to receive medical cannabis shipments on behalf of a resident patient;
- ▶ allows a student's lawful dosage of medical cannabis on school grounds;
- ▶ clarifies the enforcement authority of the Department of Health in relation to



- 28 licensed medical cannabis couriers;
- 29 ▶ requires certain individuals overseeing certain higher education medical training to
- 30 be qualified medical providers; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **26-21-2.1**, as last amended by Laws of Utah 1997, Chapter 209
- 39 **26-61-102**, as enacted by Laws of Utah 2017, Chapter 398
- 40 **26-61-201**, as last amended by Laws of Utah 2018, Chapter 110
- 41 **26-61a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 42 **26-61a-104**, as last amended by Laws of Utah 2020, Chapter 12
- 43 **26-61a-105**, as last amended by Laws of Utah 2021, Chapter 350
- 44 **26-61a-106**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 45 **26-61a-201**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350 and
- 46 further amended by Revisor Instructions, Laws of Utah 2021, Chapter 337
- 47 **26-61a-202**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350
- 48 **26-61a-403**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 49 **26-61a-505**, as last amended by Laws of Utah 2021, Chapter 350
- 50 **26-61a-604**, as last amended by Laws of Utah 2020, Chapter 354
- 51 **26-61a-607**, as last amended by Laws of Utah 2021, Chapter 350
- 52 **26-61a-702**, as last amended by Laws of Utah 2020, Chapter 354

53 ENACTS:

- 54 **26-61a-116**, Utah Code Annotated 1953
- 55 **53B-17-903**, Utah Code Annotated 1953

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

58 Section 1. Section **26-21-2.1** is amended to read:

59 **26-21-2.1. Services.**

60 (1) General acute hospitals and specialty hospitals shall remain open and be
61 continuously ready to receive patients 24 hours of every day in a year and have an attending
62 medical staff consisting of one or more physicians licensed to practice medicine and surgery
63 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
64 Osteopathic Medical Practice Act.

65 (2) A specialty hospital shall provide on-site all basic services required of a general
66 acute hospital that are needed for the diagnosis, therapy, or rehabilitation offered to or required
67 by patients admitted to or cared for in the facility.

68 (3) (a) A home health agency shall provide at least licensed nursing services or
69 therapeutic services directly through the agency employees.

70 (b) A home health agency may provide additional services itself or under arrangements
71 with another agency, organization, facility, or individual.

72 (4) Beginning January 1, 2023, a hospice program shall provide at least one qualified
73 medical provider, as that term is defined in Section 26-61a-102, for the treatment of hospice
74 patients.

75 Section 2. Section **26-61-102** is amended to read:

76 **26-61-102. Definitions.**

77 As used in this chapter:

78 (1) "Approved study" means a medical research study:

79 (a) the purpose of which is to investigate the medical benefits and risks of cannabinoid
80 products; and

81 (b) that is approved by an IRB.

82 (2) "Board" means the [~~Cannabinoid Product~~] Cannabis Research Review Board
83 created in Section 26-61-201.

84 (3) "Cannabinoid product" means the same as that term is defined in Section 58-37-3.6.

85 (4) "Cannabis" means the same as that term is defined in Section 58-37-3.6.

86 (5) "Expanded cannabinoid product" means the same as that term is defined in Section
87 58-37-3.6.

88 (6) "Institutional review board" or "IRB" means an institutional review board that is
89 registered for human subject research by the United States Department of Health and Human

90 Services.

91 Section 3. Section **26-61-201** is amended to read:

92 **26-61-201. Cannabis Research Review Board.**

93 (1) There is created the [~~Cannabinoid Product~~] Cannabis Research Review Board
94 within the department.

95 (2) The department shall appoint, in consultation with a professional association based
96 in the state that represents physicians, seven members to the [~~Cannabinoid Product~~] Cannabis
97 Research Review Board as follows:

98 (a) three individuals who are medical research professionals; and

99 (b) four physicians who are qualified medical providers.

100 (3) The department shall ensure that at least one of the board members appointed under
101 Subsection (2) is a member of the Controlled Substances Advisory Committee created in
102 Section 58-38a-201.

103 (4) (a) Four of the board members appointed under Subsection (2) shall serve an initial
104 term of two years and three of the board members appointed under Subsection (2) shall serve
105 an initial term of four years.

106 (b) Successor board members shall each serve a term of four years.

107 (c) A board member appointed to fill a vacancy on the board shall serve the remainder
108 of the term of the board member whose departure created the vacancy.

109 (5) The department may remove a board member without cause.

110 (6) The board shall:

111 (a) nominate a board member to serve as chairperson of the board by a majority vote of
112 the board members[.]; and

113 [~~(7) The board shall~~] (b) meet as often as necessary to accomplish the duties assigned
114 to the board under this chapter.

115 [~~(8)~~] (7) Each board member, including the chair, has one vote.

116 [~~(9)~~] (8) (a) A majority of board members constitutes a quorum.

117 (b) A vote of a majority of the quorum at any board meeting is necessary to take action
118 on behalf of the board.

119 [~~(10)~~] (9) A board member may not receive compensation for the member's service on
120 the board, but may, in accordance with rules adopted by the board in accordance with Title

121 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

122 (a) per diem at the rate established under Section 63A-3-106; and

123 (b) travel expenses at the rate established under Section 63A-3-107.

124 (10) If a board member appointed under Subsection (2)(b) does not meet the

125 qualifications of Subsection (2)(b) before July 1, 2022:

126 (a) the board member's seat is vacant; and

127 (b) the department shall fill the vacancy in accordance with this section.

128 Section 4. Section 26-61a-102 is amended to read:

129 **26-61a-102. Definitions.**

130 As used in this chapter:

131 (1) "Active tetrahydrocannabinol" means Delta-8-THC, Delta-9-THC, and
132 tetrahydrocannabinolic acid.

133 (2) "~~[Cannabinoid Product]~~ Cannabis Research Review Board" means the
134 ~~[Cannabinoid Product]~~ Cannabis Research Review Board created in Section 26-61-201.

135 (3) "Cannabis" means marijuana.

136 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
137 4-41a-102.

138 (5) "Cannabis processing facility" means the same as that term is defined in Section
139 4-41a-102.

140 (6) "Cannabis product" means a product that:

141 (a) is intended for human use; and

142 (b) contains cannabis or tetrahydrocannabinol.

143 (7) "Cannabis production establishment" means the same as that term is defined in
144 Section 4-41a-102.

145 (8) "Cannabis production establishment agent" means the same as that term is defined
146 in Section 4-41a-102.

147 (9) "Cannabis production establishment agent registration card" means the same as that
148 term is defined in Section 4-41a-102.

149 (10) "Community location" means a public or private elementary or secondary school,
150 a church, a public library, a public playground, or a public park.

151 (11) "Conditional medical cannabis card" means an electronic medical cannabis card

152 that the department issues in accordance with Subsection [26-61a-201\(1\)\(b\)](#) to allow an
153 applicant for a medical cannabis card to access medical cannabis during the department's
154 review of the application.

155 (12) "Controlled substance database" means the controlled substance database created
156 in Section [58-37f-201](#).

157 (13) "Delta-8-tetrahydrocannabinol" or "Delta-8-THC" means the cannabinoid that:

158 (a) is similar to Delta-9-THC with a lower psychotropic potency; and

159 (b) interacts with the CB1 receptor of the nervous system.

160 (14) "Delta-9-tetrahydrocannabinol" or "Delta-9-THC" means the primary psychotropic
161 cannabinoid in cannabis.

162 (15) "Department" means the Department of Health.

163 (16) "Designated caregiver" means:

164 (a) an individual:

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

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

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

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

171 (17) "Directions of use" means recommended routes of administration for a medical
172 cannabis treatment and suggested usage guidelines.

173 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
174 recommended treatment of medical cannabis.

175 (19) "Financial institution" means a bank, trust company, savings institution, or credit
176 union, chartered and supervised under state or federal law.

177 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
178 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
179 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
180 state central patient portal facilitates.

181 (21) "Inventory control system" means the system described in Section [4-41a-103](#).

182 (22) "Legal dosage limit" means an amount that:

183 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
184 relevant recommending medical provider or the state central patient portal or pharmacy
185 medical provider, in accordance with Subsection 26-61a-502(4) or (5), recommends; and

186 (b) may not exceed:

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

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

190 (23) "Legal use termination date" means a date on the label of a container of
191 unprocessed cannabis flower:

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

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

195 (24) "Limited medical provider" means an individual who:

196 (a) meets the recommending qualifications; and

197 (b) has no more than 15 patients with a valid medical cannabis patient card or
198 provisional patient card as a result of the individual's recommendation, in accordance with
199 Subsection 26-61a-106(1)(b).

200 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.

201 (26) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
202 product in a medicinal dosage form.

203 (27) "Medical cannabis card" means a medical cannabis patient card, a medical
204 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
205 card.

206 (28) "Medical cannabis cardholder" means:

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

208 (b) a facility or assigned employee, described in Subsection (16)(b), only:

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

211 26-61a-202(1)(b); and

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

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

- 214 (B) the identity of the individual presenting the documentation; and
- 215 (C) the relation of the individual presenting the documentation to the caregiver
- 216 designation.
- 217 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder
- 218 may print or store on an electronic device or a physical card or document that:
 - 219 (a) the department issues to an individual whom a medical cannabis patient cardholder
 - 220 or a medical cannabis guardian cardholder designates as a designated caregiver; and
 - 221 (b) is connected to the electronic verification system.
- 222 (30) "Medical cannabis courier" means a courier that:
 - 223 (a) the department licenses in accordance with Section [26-61a-604](#); and
 - 224 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
 - 225 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.
- 226 (31) "Medical cannabis courier agent" means an individual who:
 - 227 (a) is an employee of a medical cannabis courier; and
 - 228 (b) who holds a valid medical cannabis courier agent registration card.
- 229 (32) (a) "Medical cannabis device" means a device that an individual uses to ingest or
- 230 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
 - 231 (b) "Medical cannabis device" does not include a device that:
 - 232 (i) facilitates cannabis combustion; or
 - 233 (ii) an individual uses to ingest substances other than cannabis.
- 234 (33) "Medical cannabis guardian card" means an electronic document that a cardholder
- 235 may print or store on an electronic device or a physical card or document that:
 - 236 (a) the department issues to the parent or legal guardian of a minor with a qualifying
 - 237 condition; and
 - 238 (b) is connected to the electronic verification system.
- 239 (34) "Medical cannabis patient card" means an electronic document that a cardholder
- 240 may print or store on an electronic device or a physical card or document that:
 - 241 (a) the department issues to an individual with a qualifying condition; and
 - 242 (b) is connected to the electronic verification system.
- 243 (35) "Medical cannabis pharmacy" means a person that:
 - 244 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a

245 medicinal dosage form from a cannabis processing facility or another medical cannabis
246 pharmacy or a medical cannabis device; or

247 (ii) possesses medical cannabis or a medical cannabis device; and

248 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
249 cannabis cardholder.

250 (36) "Medical cannabis pharmacy agent" means an individual who:

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

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

253 (37) "Medical cannabis pharmacy agent registration card" means a registration card
254 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
255 agent.

256 (38) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
257 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
258 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
259 cannabis order that the state central patient portal facilitates.

260 (39) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
261 cannabis product in a medicinal dosage form, or a medical cannabis device.

262 (40) (a) "Medicinal dosage form" means:

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

265 (A) a tablet;

266 (B) a capsule;

267 (C) a concentrated liquid or viscous oil;

268 (D) a liquid suspension;

269 (E) a topical preparation;

270 (F) a transdermal preparation;

271 (G) a sublingual preparation;

272 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
273 rectangular cuboid shape; or

274 (I) a resin or wax;

275 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:

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

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

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

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

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

286 (i) the medical cannabis cardholder has recently removed from the container described
287 in Subsection (40)(a)(ii) for use; and

288 (ii) does not exceed the quantity described in Subsection (40)(a)(ii).

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

290 (i) any unprocessed cannabis flower outside of the container described in Subsection
291 (40)(a)(ii), except as provided in Subsection (40)(b);

292 (ii) any unprocessed cannabis flower in a container described in Subsection (40)(a)(ii)
293 after the legal use termination date; or

294 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
295 on a nail or other metal object that is heated by a flame, including a blowtorch.

296 (41) "Nonresident patient" means an individual who:

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

298 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
299 card under the laws of another state, district, territory, commonwealth, or insular possession of
300 the United States; and

301 (c) has been diagnosed with a qualifying condition as described in Section [26-61a-104](#).

302 (42) "Payment provider" means an entity that contracts with a cannabis production
303 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
304 establishment or pharmacy and other businesses or individuals.

305 (43) "Pharmacy medical provider" means the medical provider required to be on site at
306 a medical cannabis pharmacy under Section [26-61a-403](#).

307 (44) "Provisional patient card" means a card that:
308 (a) the department issues to a minor with a qualifying condition for whom:
309 (i) a recommending medical provider has recommended a medical cannabis treatment;
310 and
311 (ii) the department issues a medical cannabis guardian card to the minor's parent or
312 legal guardian; and
313 (b) is connected to the electronic verification system.
314 (45) "Qualified medical provider" means an individual:
315 (a) who meets the recommending qualifications; and
316 (b) whom the department registers to recommend treatment with cannabis in a
317 medicinal dosage form under Section [26-61a-106](#).
318 (46) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
319 [26-61a-109](#).
320 (47) "Qualifying condition" means a condition described in Section [26-61a-104](#).
321 (48) "Recommend" or "recommendation" means, for a recommending medical
322 provider, the act of suggesting the use of medical cannabis treatment, which:
323 (a) certifies the patient's eligibility for a medical cannabis card; and
324 (b) may include, at the recommending medical provider's discretion, directions of use,
325 with or without dosing guidelines.
326 (49) "Recommending medical provider" means a qualified medical provider or a
327 limited medical provider.
328 (50) "Recommending qualifications" means that an individual:
329 (a) (i) has the authority to write a prescription;
330 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
331 Controlled Substances Act; and
332 (iii) possesses the authority, in accordance with the individual's scope of practice, to
333 prescribe a Schedule II controlled substance; and
334 (b) is licensed as:
335 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
336 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
337 Act;

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

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

341 (51) "State central patient portal" means the website the department creates, in
342 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic
343 medical cannabis order.

344 (52) "State central patient portal medical provider" means a physician or pharmacist
345 that the department employs in relation to the state central patient portal to consult with
346 medical cannabis cardholders in accordance with Section 26-61a-602.

347 (53) "State electronic verification system" means the system described in Section
348 26-61a-103.

349 (54) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
350 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

351 (55) "Valid form of photo identification" means any of the following forms of
352 identification that is either current or has expired within the previous six months:

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

354 (b) a valid United States federal-issued photo identification, including:

355 (i) a United States passport;

356 (ii) a United States passport card;

357 (iii) a United States military identification card; or

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

359 (c) a passport that another country issued.

360 Section 5. Section 26-61a-104 is amended to read:

361 **26-61a-104. Qualifying condition.**

362 (1) By designating a particular condition under Subsection (2) for which the use of
363 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
364 state that:

365 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
366 treatment for the condition; or

367 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

368 (2) For the purposes of this chapter, each of the following conditions is a qualifying

- 369 condition:
- 370 (a) HIV or acquired immune deficiency syndrome;
- 371 (b) Alzheimer's disease;
- 372 (c) amyotrophic lateral sclerosis;
- 373 (d) cancer;
- 374 (e) cachexia;
- 375 (f) persistent nausea that is not significantly responsive to traditional treatment, except
- 376 for nausea related to:
- 377 (i) pregnancy;
- 378 (ii) cannabis-induced cyclical vomiting syndrome; or
- 379 (iii) cannabinoid hyperemesis syndrome;
- 380 (g) Crohn's disease or ulcerative colitis;
- 381 (h) epilepsy or debilitating seizures;
- 382 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 383 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
- 384 mental health therapist, as that term is defined in Section 58-60-102, and that:
- 385 (i) has been diagnosed by a healthcare provider or mental health provider employed or
- 386 contracted by the United States Veterans Administration, evidenced by copies of medical
- 387 records from the United States Veterans Administration that are included as part of the
- 388 qualified medical provider's pre-treatment assessment and medical record documentation; or
- 389 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
- 390 the patient, by a provider who is:
- 391 (A) a licensed board-eligible or board-certified psychiatrist;
- 392 (B) a licensed psychologist with a master's-level degree;
- 393 (C) a licensed clinical social worker with a master's-level degree; or
- 394 (D) a licensed advanced practice registered nurse who is qualified to practice within
- 395 the psychiatric mental health nursing [~~speciality~~] specialty and who has completed the clinical
- 396 practice requirements in psychiatric mental health nursing, including in psychotherapy, in
- 397 accordance with Subsection 58-31b-302(4)(g);
- 398 (k) autism;
- 399 (l) a terminal illness when the patient's remaining life expectancy is less than six

400 months;

401 (m) a condition resulting in the individual receiving hospice care;

402 (n) a rare condition or disease that:

403 (i) affects less than 200,000 individuals in the United States, as defined in Section 526

404 of the Federal Food, Drug, and Cosmetic Act; and

405 (ii) is not adequately managed despite treatment attempts using:

406 (A) conventional medications other than opioids or opiates; or

407 (B) physical interventions;

408 (o) pain lasting longer than two weeks that is not adequately managed, in the qualified
409 medical provider's opinion, despite treatment attempts using:

410 (i) conventional medications other than opioids or opiates; or

411 (ii) physical interventions; [~~and~~]

412 (p) pain that is expected to last for two weeks or longer for an acute condition,
413 including a surgical procedure, for which a medical professional may generally prescribe
414 opioids for a limited duration, subject to Subsection 26-61a-201(5)(c); and

415 [~~(p)~~] (q) a condition that the Compassionate Use Board approves under Section
416 26-61a-105, on an individual, case-by-case basis.

417 Section 6. Section **26-61a-105** is amended to read:

418 **26-61a-105. Compassionate Use Board.**

419 (1) (a) The department shall establish a Compassionate Use Board consisting of:

420 (i) seven qualified medical providers that the executive director appoints and the
421 Senate confirms:

422 (A) who are knowledgeable about the medicinal use of cannabis;

423 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
424 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

425 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine
426 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,
427 pediatrics, or gastroenterology; and

428 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
429 executive director or the director's designee.

430 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),

431 the executive director shall ensure that at least two have a board certification in pediatrics.

432 (2) (a) Of the members of the Compassionate Use Board that the executive director
433 first appoints:

434 (i) three shall serve an initial term of two years; and

435 (ii) the remaining members shall serve an initial term of four years.

436 (b) After an initial term described in Subsection (2)(a) expires:

437 (i) each term is four years; and

438 (ii) each board member is eligible for reappointment.

439 (c) A member of the Compassionate Use Board may serve until a successor is
440 appointed.

441 (3) Four members constitute a quorum of the Compassionate Use Board.

442 (4) A member of the Compassionate Use Board may receive:

443 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
444 service; and

445 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
446 Division of Finance in accordance with Section 63A-3-107.

447 (5) The Compassionate Use Board shall:

448 (a) review and recommend for department approval a petition to the board regarding an
449 individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection
450 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
451 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
452 period of validity, if:

453 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
454 the individual's qualified medical provider is actively treating the individual for an intractable
455 condition that:

456 (A) substantially impairs the individual's quality of life; and

457 (B) has not, in the qualified medical provider's professional opinion, adequately
458 responded to conventional treatments;

459 (ii) the qualified medical provider:

460 (A) recommends that the individual or minor be allowed to use medical cannabis; and

461 (B) provides a letter, relevant treatment history, and notes or copies of progress notes

462 describing relevant treatment history including rationale for considering the use of medical
463 cannabis; and

464 (iii) the Compassionate Use Board determines that:

465 (A) the recommendation of the individual's qualified medical provider is justified; and

466 (B) based on available information, it may be in the best interests of the individual to
467 allow the use of medical cannabis;

468 (b) review and approve or deny the use of a medical cannabis device for an individual
469 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection

470 26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the
471 individual or minor be allowed to use a medical cannabis device to vaporize the medical
472 cannabis treatment;

473 (c) unless no petitions are pending:

474 (i) meet to receive or review compassionate use petitions at least quarterly; and

475 (ii) if there are more petitions than the board can receive or review during the board's
476 regular schedule, as often as necessary;

477 (d) except as provided in Subsection (6), complete a review of each petition and
478 recommend to the department approval or denial of the applicant for qualification for a medical
479 cannabis card within 90 days after the day on which the board received the petition;

480 (e) consult with the department regarding the criteria described in Subsection (6); and

481 (f) report, before November 1 of each year, to the Health and Human Services Interim
482 Committee:

483 (i) the number of compassionate use recommendations the board issued during the past
484 year; and

485 (ii) the types of conditions for which the board recommended compassionate use.

486 (6) The department shall make rules, in consultation with the Compassionate Use
487 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
488 establish a process and criteria for a petition to the board to automatically qualify for expedited
489 final review and approval or denial by the department in cases where, in the determination of
490 the department and the board:

491 (a) time is of the essence;

492 (b) engaging the full review process would be unreasonable in light of the petitioner's

493 physical condition; and

494 (c) sufficient factors are present regarding the petitioner's safety.

495 (7) (a) (i) The department shall review:

496 (A) any compassionate use for which the Compassionate Use Board recommends
497 approval under Subsection (5)(d) to determine whether the board properly exercised the board's
498 discretion under this section; and

499 (B) any expedited petitions the department receives under the process described in
500 Subsection (6).

501 (ii) If the department determines that the Compassionate Use Board properly exercised
502 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited
503 petition merits approval based on the criteria established in accordance with Subsection (6), the
504 department shall:

505 (A) issue the relevant medical cannabis card; and

506 (B) provide for the renewal of the medical cannabis card in accordance with the
507 recommendation of the qualified medical provider described in Subsection (5)(a).

508 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),
509 the individual seeking to obtain a medical cannabis card may petition the department to review
510 the board's decision.

511 (ii) If the department determines that the Compassionate Use Board's recommendation
512 for denial under Subsection (5)(d) was arbitrary or capricious:

513 (A) the department shall notify the Compassionate Use Board of the department's
514 determination; and

515 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend
516 approval under this section.

517 (c) In reviewing the Compassionate Use Board's recommendation for approval or
518 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
519 presume the board properly exercised the board's discretion unless the department determines
520 that the board's recommendation was arbitrary or capricious.

521 (8) Any individually identifiable health information contained in a petition that the
522 Compassionate Use Board or department receives under this section is a protected record in
523 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

524 (9) The Compassionate Use Board shall annually report the board's activity to the
525 [~~Cannabinoid Product~~] Cannabis Research Review Board.

526 Section 7. Section **26-61a-106** is amended to read:

527 **26-61a-106. Qualified medical provider registration -- Continuing education --**
528 **Treatment recommendation -- Limited medical provider.**

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

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

536 (b) Beginning on the earlier of September 1, 2021, or the date on which the department
537 gives notice that the electronic verification system is functionally capable as described in
538 Subsection [26-61a-103](#)(2)(d), an individual who meets the recommending qualifications may
539 recommend a medical cannabis treatment as a limited medical provider without registering
540 under Subsection (1)(a) if:

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

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

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

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

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

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

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

559 (ii) may include:

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

561 (B) an indication of a need for a caregiver in accordance with Subsection
562 26-61a-201(3)(c).

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

567 (i) the date of issuance;

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

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

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

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

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

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

581 (iii) provides to the department evidence that the individual meets the recommending
582 qualifications;

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

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

586 (A) the department sets, in accordance with Section 63J-1-504; and
587 (B) does not exceed \$300 for an initial registration.
588 (b) The department may not register an individual as a qualified medical provider if the
589 individual is:
590 (i) a pharmacy medical provider; or
591 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
592 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.
593 (3) (a) An individual shall complete the continuing education described in this
594 Subsection (3) in the following amounts:
595 (i) for an individual as a condition precedent to registration, four hours; and
596 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
597 every two years.
598 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:
599 (i) complete continuing education:
600 (A) regarding the topics described in Subsection (3)(d); and
601 (B) offered by the department under Subsection (3)(c) or an accredited or approved
602 continuing education provider that the department recognizes as offering continuing education
603 appropriate for the recommendation of cannabis to patients; and
604 (ii) make a continuing education report to the department in accordance with a process
605 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
606 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
607 Professional Licensing and:
608 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
609 Act, the Podiatric Physician Board;
610 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
611 Nurse Practice Act, the Board of Nursing;
612 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
613 Practice Act, the Physicians Licensing Board;
614 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
615 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
616 and

617 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
618 Assistant Act, the Physician Assistant Licensing Board.

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

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

622 (i) the provisions of this chapter;

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

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

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

628 (v) best practices for recommending the form and dosage of medical cannabis products
629 based on the qualifying condition underlying a medical cannabis recommendation.

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

634 (b) A qualified medical provider may recommend a medical cannabis treatment to up to
635 600 of the qualified medical provider's patients at any given time, as determined by the number
636 of medical cannabis cards under the qualified medical provider's name in the state electronic
637 verification system, if:

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

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

644 (5) A recommending medical provider may recommend medical cannabis to an
645 individual under this chapter only in the course of a provider-patient relationship after the
646 recommending medical provider has completed and documented in the patient's medical record
647 a thorough assessment of the patient's condition and medical history based on the appropriate

648 standard of care for the patient's condition.

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

651 (b) [~~For purposes of~~] Notwithstanding Subsection (6)(a)[~~, the communication of the~~
652 ~~following, through a website, by a qualified medical provider, does not constitute advertising:~~]
653 and subject to Section 26-61a-116, a qualified medical provider may advertise the following:

654 (i) a green cross;

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

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

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

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

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

663 (i) applies for renewal;

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

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

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

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

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

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

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

675 (9) A recommending medical provider may not receive any compensation or benefit for
676 the qualified medical provider's medical cannabis treatment recommendation from:

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

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

681 (c) a recommending medical provider or pharmacy medical provider.

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

684 (i) if applicable, that the qualified medical provider or the entity that employs the
685 qualified medical provider represents online or on printed material that the qualified medical
686 provider is a qualified medical provider or offers medical cannabis recommendations to
687 patients; and

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

691 (b) The department shall:

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

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

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

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

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

702 Section 8. Section **26-61a-116** is enacted to read:

703 **26-61a-116. Advertising.**

704 (1) Except as provided in this chapter, a person may not advertise regarding the
705 recommendation, sale, dispensing, or transportation of medical cannabis.

706 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
707 this chapter, the person advertising may not advertise:

708 (a) using promotional discounts or incentives;

709 (b) except as provided in Section [26-61a-403](#), a particular medical cannabis product,

710 medical cannabis device, or medicinal dosage form; or

711 (c) an assurance regarding an outcome related to medical cannabis treatment.

712 (3) The department shall define standards for advertising authorized under this chapter,
713 including names and logos, to ensure a medical rather than recreational disposition.

714 Section 9. Section **26-61a-201** is amended to read:

715 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
716 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

717 (1) (a) The department shall, within 15 days after the day on which an individual who
718 satisfies the eligibility criteria in this section or Section **26-61a-202** submits an application in
719 accordance with this section or Section **26-61a-202**:

720 (i) issue a medical cannabis patient card to an individual described in Subsection
721 (2)(a);

722 (ii) issue a medical cannabis guardian card to an individual described in Subsection
723 (2)(b);

724 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

725 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
726 **26-61a-202**(4).

727 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
728 electronic verification system is functionally capable of facilitating a conditional medical
729 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
730 provider's medical cannabis recommendation for a patient in the state electronic verification
731 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
732 medical provider or medical cannabis pharmacy in accordance with Subsection
733 **26-61a-501**(11)(a), the department shall issue to the patient an electronic conditional medical
734 cannabis card, in accordance with this Subsection (1)(b).

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

736 (A) 60 days; or

737 (B) the day on which the department completes the department's review and issues a
738 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
739 application, or revokes the conditional medical cannabis card under Subsection (8).

740 (iii) The department may issue a conditional medical cannabis card to an individual

741 applying for a medical cannabis patient card for which approval of the Compassionate Use
742 Board is not required.

743 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
744 obligations under law applicable to a holder of the medical cannabis card for which the
745 individual applies and for which the department issues the conditional medical cannabis card.

746 (2) (a) An individual is eligible for a medical cannabis patient card if:

747 (i) (A) the individual is at least 21 years old; or

748 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
749 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
750 department approval of the petition;

751 (ii) the individual is a Utah resident;

752 (iii) the individual's recommending medical provider recommends treatment with
753 medical cannabis in accordance with Subsection (4);

754 (iv) the individual signs an acknowledgment stating that the individual received the
755 information described in Subsection (8); and

756 (v) the individual pays to the department a fee in an amount that, subject to Subsection
757 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

758 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

759 (A) is at least 18 years old;

760 (B) is a Utah resident;

761 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
762 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
763 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
764 department approval of the petition;

765 (D) the individual signs an acknowledgment stating that the individual received the
766 information described in Subsection (9);

767 (E) pays to the department a fee in an amount that, subject to Subsection
768 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
769 criminal background check described in Section 26-61a-203; and

770 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
771 offense under either state or federal law, unless the individual completed any imposed sentence

772 six months or more before the day on which the individual applies for a medical cannabis
773 guardian card.

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

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

777 (A) the minor has a qualifying condition;

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

780 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
781 Board under Section 26-61a-105, and the Compassionate Use Board recommends department
782 approval of the petition; and

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

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

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

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

798 (i) through an electronic application connected to the state electronic verification
799 system;

800 (ii) with the recommending medical provider; and

801 (iii) with information including:

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

803 (B) the number of the applicant's valid form of photo identification;
804 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
805 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
806 and

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

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

811 (c) (i) If a recommending medical provider determines that, because of age, illness, or
812 disability, a medical cannabis patient cardholder requires assistance in administering the
813 medical cannabis treatment that the recommending medical provider recommends, the
814 recommending medical provider may indicate the cardholder's need in the state electronic
815 verification system, either directly or, for a limited medical provider, through the order
816 described in Subsections 26-61a-106(1)(c) and (d).

817 (ii) If a recommending medical provider makes the indication described in Subsection
818 (3)(c)(i):

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

821 (B) any adult who is 18 years old or older and who is physically present with the
822 cardholder at the time the cardholder needs to use the recommended medical cannabis
823 treatment may handle the medical cannabis treatment and any associated medical cannabis
824 device as needed to assist the cardholder in administering the recommended medical cannabis
825 treatment; and

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

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

831 (A) ingest or inhale medical cannabis;

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

834 assistance to the cardholder; or

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

837 (4) To recommend a medical cannabis treatment to a patient or to renew a
838 recommendation, a recommending medical provider shall:

839 (a) before recommending or renewing a recommendation for medical cannabis in a
840 medicinal dosage form or a cannabis product in a medicinal dosage form:

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

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

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

846 (B) the controlled substance database created in Section 58-37f-201; and

847 (iii) consider the recommendation in light of the patient's qualifying condition, history
848 of substance use or opioid use disorder, and history of medical cannabis and controlled
849 substance use during an initial face-to-face visit with the patient; and

850 (b) state in the recommending medical provider's recommendation that the patient:

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

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

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

856 (i) an amount of time that the recommending medical provider determines; or

857 (ii) (A) six months for the first issuance, and, except as provided in Subsection
858 (5)(a)(ii)(B), for a renewal; or

859 (B) for a renewal, one year if, after at least one year following the issuance of the
860 original medical cannabis card, the recommending medical provider determines that the patient
861 has been stabilized on the medical cannabis treatment and a one-year renewal period is
862 justified.

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

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

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

871 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
872 renewable if:

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

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

877 (b) [A] The recommending medical provider who made the underlying
878 recommendation for the card of a cardholder described in Subsection (6)(a) may renew the
879 cardholder's card[: (i) ~~using the application process described in Subsection (3); or (ii)]
880 through phone or video conference with the [recommending medical provider who made the
881 recommendation underlying the card, at the qualifying] cardholder, at the recommending
882 medical provider's discretion.~~

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

886 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
887 63J-1-504; and

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

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

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

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

896 purchase, in accordance with this chapter and the recommendation underlying the card,
897 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
898 medical cannabis device.

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

902 (iii) To address the qualifying condition underlying the medical cannabis treatment
903 recommendation:

904 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
905 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
906 or a medical cannabis device; and

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

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

912 (i) may possess:

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

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

915 (C) marijuana drug paraphernalia; and

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

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

919 (a) violates this chapter; or

920 (b) is convicted under state or federal law of [~~:(i) a felony, or (ii)~~], after March 17,
921 2021, a [~~misdemeanor for~~] drug distribution offense.

922 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
923 Utah Administrative Rulemaking Act, a process to provide information regarding the following
924 to an individual receiving a medical cannabis card:

925 (a) risks associated with medical cannabis treatment;

926 (b) the fact that a condition's listing as a qualifying condition does not suggest that

927 medical cannabis treatment is an effective treatment or cure for that condition, as described in
928 Subsection 26-61a-104(1); and

929 (c) other relevant warnings and safety information that the department determines.

930 (10) The department may establish procedures by rule, in accordance with Title 63G,
931 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
932 provisions of this section.

933 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
934 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
935 an individual from another state to register with the department in order to purchase medical
936 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
937 is visiting the state.

938 (b) The department may only provide the registration process described in Subsection
939 (11)(a):

940 (i) to a nonresident patient; and

941 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
942 per visitation period.

943 (12) (a) A person may submit to the department a request to conduct a research study
944 using medical cannabis cardholder data that the state electronic verification system contains.

945 (b) The department shall review a request described in Subsection (12)(a) to determine
946 whether an institutional review board, as that term is defined in Section 26-61-102, could
947 approve the research study.

948 (c) At the time an individual applies for a medical cannabis card, the department shall
949 notify the individual:

950 (i) of how the individual's information will be used as a cardholder;

951 (ii) that by applying for a medical cannabis card, unless the individual withdraws
952 consent under Subsection (12)(d), the individual consents to the use of the individual's
953 information for external research; and

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

956 (d) An applicant may, through the medical cannabis card application, and a medical
957 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or

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

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

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

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

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

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

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

970 Section 10. Section **26-61a-202** is amended to read:

971 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**

972 **Revocation.**

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

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

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

985 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
986 **26-21-2**;

987 (B) for a patient or resident, a nursing care facility, as that term is defined in Section
988 **26-21-2**; [~~or~~]

989 (C) for a patient, a general acute hospital, as that term is defined in Section 26-21-2[-];
990 or

991 (D) for a student in a public school for which the principal has agreed to the
992 designation, the student's school.

993 (ii) A facility may:

994 (A) assign one or more employees to assist patients with medical cannabis treatment
995 under the caregiver designation described in this Subsection (1)(b)[-]; and

996 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
997 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
998 designated the facility as a caregiver.

999 (iii) The department shall make rules to regulate the practice of facilities and facility
1000 employees serving as designated caregivers under this Subsection (1)(b).

1001 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in
1002 consultation with the minor and the minor's qualified medical provider, may designate, through
1003 the state central patient portal, up to two individuals to serve as a designated caregiver for the
1004 minor, if the department determines that the parent or legal guardian is not eligible for a
1005 medical cannabis guardian card under Section 26-61a-201.

1006 (d) A public school may not prohibit a student's dosage with medical cannabis or a
1007 medical cannabis product on the school grounds under the supervision of a medical cannabis
1008 guardian cardholder or a caregiver designated under this section.

1009 (2) An individual that the department registers as a designated caregiver under this
1010 section and a facility described in Subsection (1)(b):

1011 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1012 card;

1013 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1014 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1015 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1016 cardholder;

1017 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1018 or for a service that the designated caregiver provides in relation to the role as a designated
1019 caregiver;

1020 (d) may accept reimbursement from the designating medical cannabis cardholder for
1021 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1022 medicinal use of cannabis; and

1023 (e) if a licensed medical cannabis pharmacy is not operating within the state after
1024 January 1, 2021:

1025 (i) may possess up to the legal dosage limit of:

1026 (A) unprocessed medical cannabis in a medicinal dosage form; and

1027 (B) a cannabis product in a medicinal dosage form;

1028 (ii) may possess marijuana drug paraphernalia; and

1029 (iii) is not subject to prosecution for the possession described in Subsection (2)(e)(i).

1030 (3) (a) The department shall:

1031 (i) within 15 days after the day on which an individual submits an application in
1032 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

1033 (A) is designated as a caregiver under Subsection (1);

1034 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

1035 (C) complies with this section; and

1036 (ii) notify the Department of Public Safety of each individual that the department
1037 registers as a designated caregiver.

1038 (b) The department shall ensure that a medical cannabis caregiver card contains the
1039 information described in Subsection (5)(b).

1040 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1041 (a) is at least 21 years old;

1042 (b) is a Utah resident;

1043 (c) pays to the department a fee in an amount that, subject to Subsection
1044 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
1045 criminal background check described in Section [26-61a-203](#);

1046 (d) signs an acknowledgment stating that the applicant received the information
1047 described in Subsection [26-61a-201\(9\)](#); and

1048 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
1049 a felony under either state or federal law, unless the individual completes any imposed sentence
1050 two or more years before the day on which the individual submits the application.

- 1051 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1052 (a) submit an application for a medical cannabis caregiver card to the department
- 1053 through an electronic application connected to the state electronic verification system; and
- 1054 (b) submit the following information in the application described in Subsection (5)(a):
- 1055 (i) the applicant's name, gender, age, and address;
- 1056 (ii) the name, gender, age, and address of the cardholder described in Section
- 1057 26-61a-201 who designated the applicant; and
- 1058 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
- 1059 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
- 1060 cannabis guardian cardholder.
- 1061 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
- 1062 department issues under this section is valid for the lesser of:
- 1063 (a) an amount of time that the cardholder described in Section 26-61a-201 who
- 1064 designated the caregiver determines; or
- 1065 (b) the amount of time remaining before the card of the cardholder described in Section
- 1066 26-61a-201 expires.
- 1067 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
- 1068 designated caregiver's medical cannabis caregiver card renews automatically at the time the
- 1069 cardholder described in Section 26-61a-201 who designated the caregiver:
- 1070 (i) renews the cardholder's card; and
- 1071 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1072 (b) The department shall provide a method in the card renewal process to allow a
- 1073 cardholder described in Section 26-61a-201 who has designated a caregiver to:
- 1074 (i) signify that the cardholder renews the caregiver's designation;
- 1075 (ii) remove a caregiver's designation; or
- 1076 (iii) designate a new caregiver.
- 1077 (8) The department may revoke a medical cannabis caregiver card if the designated
- 1078 caregiver:
- 1079 (a) violates this chapter; or
- 1080 (b) is convicted under state or federal law of:
- 1081 (i) a felony drug distribution offense; or

1082 (ii) after December 3, 2018, a misdemeanor drug distribution offense.

1083 (9) The department shall record the issuance or revocation of a medical cannabis card
1084 under this section in the controlled substance database.

1085 Section 11. Section **26-61a-403** is amended to read:

1086 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

1087 (1) (a) A medical cannabis pharmacy:

1088 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1089 Practice Act, as a pharmacy medical provider;

1090 (ii) may employ a physician who has the authority to write a prescription and is
1091 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1092 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1093 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1094 works onsite during all business hours; and

1095 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
1096 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
1097 cannabis pharmacy.

1098 (b) An individual may not serve as a pharmacy medical provider unless the department
1099 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1100 (2) (a) The department shall, within 15 days after the day on which the department
1101 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1102 medical provider, register and issue a pharmacy medical provider registration card to the
1103 prospective pharmacy medical provider if the medical cannabis pharmacy:

1104 (i) provides to the department:

1105 (A) the prospective pharmacy medical provider's name and address;

1106 (B) the name and location of the licensed medical cannabis pharmacy where the
1107 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1108 (C) a report detailing the completion of the continuing education requirement described
1109 in Subsection (3); and

1110 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1111 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1112 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical

1113 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
1114 (ii) pays a fee to the department in an amount that, subject to Subsection
1115 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1116 (b) The department may not register a recommending medical provider or a state
1117 central patient portal medical provider as a pharmacy medical provider.

1118 (3) (a) A pharmacy medical provider shall complete the continuing education described
1119 in this Subsection (3) in the following amounts:

1120 (i) as a condition precedent to registration, four hours; and
1121 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1122 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1123 (i) complete continuing education:

1124 (A) regarding the topics described in Subsection (3)(d); and
1125 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1126 continuing education provider that the department recognizes as offering continuing education
1127 appropriate for the medical cannabis pharmacy practice; and

1128 (ii) make a continuing education report to the department in accordance with a process
1129 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1130 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
1131 Professional Licensing and:

1132 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
1133 Pharmacy Practice Act, the Board of Pharmacy;

1134 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
1135 Practice Act, the Physicians Licensing Board; and

1136 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
1137 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

1138 (c) The department may, in consultation with the Division of Occupational and
1139 Professional Licensing, develop the continuing education described in this Subsection (3).

1140 (d) The continuing education described in this Subsection (3) may discuss:

1141 (i) the provisions of this chapter;
1142 (ii) general information about medical cannabis under federal and state law;
1143 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,

1144 including risks and benefits;

1145 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1146 patient in pain management, risk management, potential addiction, and palliative care; or

1147 (v) best practices for recommending the form and dosage of a medical cannabis
1148 product based on the qualifying condition underlying a medical cannabis recommendation.

1149 (4) (a) A pharmacy medical provider registration card expires two years after the day
1150 on which the department issues or renews the card.

1151 (b) A pharmacy medical provider may renew the provider's registration card if the
1152 provider:

1153 (i) is eligible for a pharmacy medical provider registration card under this section;

1154 (ii) certifies to the department in a renewal application that the information in
1155 Subsection (2)(a) is accurate or updates the information;

1156 (iii) submits a report detailing the completion of the continuing education requirement
1157 described in Subsection (3); and

1158 (iv) pays to the department a renewal fee in an amount that:

1159 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1160 Section 63J-1-504; and

1161 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1162 comparison to the original application process.

1163 (5) (a) Except as provided in Subsection (5)(b), ~~[an individual]~~ a person may not
1164 advertise that the ~~[individual]~~ person or another person dispenses medical cannabis.

1165 (b) ~~[For purposes of this]~~ Notwithstanding Subsection (5)(a)~~[-the communication of~~
1166 ~~the following, through a website, by a pharmacy medical provider, does not constitute~~
1167 ~~advertising]~~ and subject to Section 26-61a-116, a registered pharmacy medical provider may
1168 advertise the following:

1169 (i) a green cross;

1170 (ii) ~~[the individual's registration]~~ that the person is registered as a pharmacy medical
1171 provider and dispenses medical cannabis; or

1172 (iii) a scientific study regarding medical cannabis use.

1173 Section 12. Section 26-61a-505 is amended to read:

1174 **26-61a-505. Medical cannabis pharmacy advertising.**

1175 (1) Except as provided in this section, a ~~[medical cannabis pharmacy]~~ person may not
 1176 advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical
 1177 cannabis within the state.

1178 (2) ~~[A]~~ Subject to Section 26-61a-116, a medical cannabis pharmacy may:

1179 (a) advertise an employment opportunity at the medical cannabis pharmacy[-];

1180 ~~[(3)(a) Notwithstanding]~~

1181 (b) notwithstanding any municipal or county ordinance prohibiting signage, [a medical
 1182 cannabis pharmacy may] use signage on the outside of the medical cannabis pharmacy that:

1183 (i) includes only:

1184 (A) in accordance with Subsection ~~[(3)]~~(2)(b), the medical cannabis pharmacy's name,
 1185 logo, and hours of operation; and

1186 (B) a green cross; and

1187 (ii) complies with local ordinances regulating signage[-];

1188 ~~[(b) The department shall define standards for a medical cannabis pharmacy's name~~
 1189 ~~and logo to ensure a medical rather than recreational disposition.]~~

1190 ~~[(4)(a) A medical cannabis pharmacy may]~~

1191 (c) maintain a website that includes information about:

1192 (i) the location and hours of operation of the medical cannabis pharmacy;

1193 (ii) a product or service available at the medical cannabis pharmacy;

1194 (iii) personnel affiliated with the medical cannabis pharmacy;

1195 (iv) whether the medical cannabis pharmacy is licensed as a home delivery medical
 1196 cannabis pharmacy;

1197 ~~[(iv)]~~ (v) best practices that the medical cannabis pharmacy upholds; and

1198 ~~[(v)]~~ (vi) educational material related to the medical use of cannabis, as defined by the
 1199 department[-]; and

1200 (d) hold an educational event for the public or medical providers in accordance with
 1201 Subsection (3) and the rules described in Subsection (4).

1202 ~~[(b) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah~~
 1203 ~~Administrative Rulemaking Act, to define the educational material described in Subsection~~
 1204 ~~(4)(a).]~~

1205 ~~[(5)(a) A medical cannabis pharmacy may hold an educational event for the public or~~

1206 ~~medical providers in accordance with this Subsection (5) and the rules described in Subsection~~
1207 ~~(5)(c):]~~

1208 ~~[(b)]~~ (3) A medical cannabis pharmacy may not include in an educational event
1209 described in Subsection ~~[(5)(a)]~~ (2)(d):

1210 ~~[(i)]~~ (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis
1211 Production Establishments;

1212 ~~[(ii)]~~ (b) any gift items or merchandise other than educational materials, as those terms
1213 are defined by the department;

1214 ~~[(iii)]~~ (c) any marketing for a specific product from the medical cannabis pharmacy or
1215 any other statement, claim, or information that would violate the federal Food, Drug, and
1216 Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or

1217 ~~[(iv)]~~ (d) a presenter other than the following:

1218 ~~[(A)]~~ (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1219 ~~[(B)]~~ (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1220 Nurse Practice Act;

1221 ~~[(C)]~~ (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
1222 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1223 ~~[(D)]~~ (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1224 Assistant Act;

1225 ~~[(E)]~~ (v) a medical practitioner, similar to the practitioners described in this Subsection
1226 ~~[(5)(b)(iv)]~~ (3)(d)(v), who is licensed in another state or country;

1227 ~~[(F)]~~ (vi) a state employee; or

1228 ~~[(G)]~~ (vii) if the presentation relates to a cannabis topic other than medical treatment or
1229 medical conditions, an individual whom the department approves based on the individual's
1230 background and credentials in the presented topic.

1231 ~~[(e)]~~ (4) The department shall make rules, in accordance with Title 63G, Chapter 3,
1232 Utah Administrative Rulemaking Act, to define:

1233 (a) the educational material described in Subsection (2)(c)(v); and

1234 (b) the elements of and restrictions on the educational event described in Subsection
1235 ~~[(5)(a);]~~ (3) including:

1236 (i) a minimum age of 21 years old for attendees; and

1237 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
1238 at least 18 years old.

1239 Section 13. Section **26-61a-604** is amended to read:

1240 **26-61a-604. Home delivery of medical cannabis shipments -- Medical cannabis**
1241 **couriers -- License.**

1242 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1243 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1244 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
1245 state central patient portal facilitates, including rules regarding the safe and controlled delivery
1246 of medical cannabis shipments.

1247 (2) A person may not operate as a medical cannabis courier without a license that the
1248 department issues under this section.

1249 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
1250 operate as a medical cannabis courier to an applicant who is eligible for a license under this
1251 section.

1252 (b) An applicant is eligible for a license under this section if the applicant submits to
1253 the department:

1254 (i) the name and address of an individual who:

1255 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1256 pharmacy; or

1257 (B) has the power to direct or cause the management or control of a proposed cannabis
1258 production establishment;

1259 (ii) an operating plan that includes operating procedures to comply with the operating
1260 requirements for a medical cannabis courier described in this chapter; and

1261 (iii) an application fee in an amount that, subject to Subsection [26-61a-109\(5\)](#), the
1262 department sets in accordance with Section [63J-1-504](#).

1263 (4) If the department determines that an applicant is eligible for a license under this
1264 section, the department shall:

1265 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1266 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

1267 (b) notify the Department of Public Safety of the license approval and the names of

1268 each individual described in Subsection (3)(b)(ii).

1269 (5) The department may not issue a license to operate as a medical cannabis courier to
1270 an applicant if an individual described in Subsection (3)(b)(ii):

1271 (a) has been convicted under state or federal law of:

1272 (i) a felony; or

1273 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1274 (b) is younger than 21 years old.

1275 (6) The department may revoke a license under this part if:

1276 (a) the medical cannabis courier does not begin operations within one year after the day
1277 on which the department issues the initial license;

1278 (b) the medical cannabis courier makes the same violation of this chapter three times;

1279 or

1280 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
1281 active, under state or federal law of:

1282 (i) a felony; or

1283 (ii) after September 23, 2019, a misdemeanor for drug distribution.

1284 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1285 Qualified Patient Enterprise Fund.

1286 (8) The department shall begin accepting applications under this section on or before
1287 July 1, 2020.

1288 (9) The department's authority to issue a license under this section is plenary and is not
1289 subject to review.

1290 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
1291 of application, from each individual who has a financial or voting interest of 2% or greater in
1292 the applicant or who has the power to direct or cause the management or control of the
1293 applicant:

1294 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

1295 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1296 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
1297 Generation Identification System's Rap Back Service; and

1298 (c) consent to a fingerprint background check by:

- 1299 (i) the Bureau of Criminal Identification; and
- 1300 (ii) the Federal Bureau of Investigation.
- 1301 (11) The Bureau of Criminal Identification shall:
- 1302 (a) check the fingerprints the applicant submits under Subsection (10) against the
- 1303 applicable state, regional, and national criminal records databases, including the Federal
- 1304 Bureau of Investigation Next Generation Identification System;
- 1305 (b) report the results of the background check to the department;
- 1306 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
- 1307 for search by future submissions to the local and regional criminal records databases, including
- 1308 latent prints;
- 1309 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1310 Generation Identification System's Rap Back Service for search by future submissions to
- 1311 national criminal records databases, including the Next Generation Identification System and
- 1312 latent prints; and
- 1313 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 1314 receives notifications for an individual with whom the department maintains an authorizing
- 1315 relationship.
- 1316 (12) The department shall:
- 1317 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
- 1318 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
- 1319 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 1320 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
- 1321 Identification.
- 1322 (13) The department shall renew a license under this section every year if, at the time
- 1323 of renewal:
- 1324 (a) the licensee meets the requirements of this section; and
- 1325 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 1326 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).
- 1327 (14) A person applying for a medical cannabis courier license shall submit to the
- 1328 department a proposed operating plan that complies with this section and that includes:
- 1329 (a) a description of the physical characteristics of any proposed facilities, including a

1330 floor plan and an architectural elevation, and delivery vehicles;

1331 (b) a description of the credentials and experience of each officer, director, or owner of
1332 the proposed medical cannabis courier;

1333 (c) the medical cannabis courier's employee training standards;

1334 (d) a security plan; and

1335 (e) storage and delivery protocols, both short and long term, to ensure that medical
1336 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
1337 integrity of the cannabis.

1338 (15) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
1339 the transportation of medical cannabis.

1340 (b) Notwithstanding Subsection (15)(a) and subject to Section 26-61a-116, a licensed
1341 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
1342 advertise:

1343 (i) a green cross; and

1344 (ii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1345 Section 14. Section **26-61a-607** is amended to read:

1346 **26-61a-607. Home delivery of medical cannabis shipments.**

1347 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
1348 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
1349 medical cannabis pharmacy unless:

1350 (a) the individual receiving the shipment presents:

1351 (i) a valid form of photo identification; and

1352 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
1353 form of photo identification; [~~and~~] or

1354 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
1355 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and

1356 (b) the delivery occurs at:

1357 (i) the medical cannabis cardholder's home address that is on file in the state electronic
1358 verification system[-]; or

1359 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
1360 Subsection 26-61a-202(1)(b).

- 1361 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
1362 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:
- 1363 (a) verify the shipment information using the state electronic verification system;
 - 1364 (b) ensure that the individual satisfies the identification requirements in Subsection (1);
 - 1365 (c) verify that payment is complete; and
 - 1366 (d) record the completion of the shipment transaction in a manner such that the
1367 delivery of the shipment will later be recorded within a reasonable period in the electronic
1368 verification system.
- 1369 (3) The medical cannabis courier shall:
- 1370 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
1371 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
1372 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
1373 and
 - 1374 (ii) ensure that only a medical cannabis courier agent is able to access the medical
1375 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;
 - 1376 (b) return any undelivered medical cannabis shipment to the home delivery medical
1377 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
1378 possessed the shipment for 10 business days; and
 - 1379 (c) return any medical cannabis shipment to the home delivery medical cannabis
1380 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
1381 accept the shipment.
- 1382 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
1383 agent returns an undelivered medical cannabis shipment that remains unopened, the home
1384 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.
- 1385 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
1386 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
1387 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
1388 shipment by:
 - 1389 (i) rendering the shipment unusable and unrecognizable before transporting the
1390 shipment from the home delivery medical cannabis pharmacy; and
 - 1391 (ii) disposing of the shipment in accordance with:

- 1392 (A) federal and state laws, rules, and regulations related to hazardous waste;
- 1393 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1394 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 1395 (D) other regulations that the department makes in accordance with Title 63G, Chapter
- 1396 3, Utah Administrative Rulemaking Act.

1397 Section 15. Section **26-61a-702** is amended to read:

1398 **26-61a-702. Enforcement -- Fine -- Citation.**

1399 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
1400 courier's violation of this chapter or an applicable administrative rule:

- 1401 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;
- 1402 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
- 1403 license; or
- 1404 (iii) assess the medical cannabis pharmacy or medical cannabis courier an
- 1405 administrative penalty.

1406 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
1407 courier agent's violation of this chapter:

- 1408 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
- 1409 registration card;
- 1410 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
- 1411 agent registration card; or
- 1412 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
- 1413 administrative penalty.

1414 (2) The department shall deposit an administrative penalty imposed under this section
1415 into the General Fund.

1416 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
1417 of a violation in an adjudicative proceeding under this section, the department may:

- 1418 (a) for a fine amount not already specified in law, assess the person a fine of up to
- 1419 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
- 1420 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 1421 (b) order the person to cease and desist from the action that creates a violation.

1422 (4) The department may not revoke a medical cannabis pharmacy's license or a medical

1423 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
1424 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
1425 Chapter 4, Administrative Procedures Act.

1426 (5) If, within 20 calendar days after the day on which the department issues a citation
1427 for a violation of this chapter, the person that is the subject of the citation fails to request a
1428 hearing to contest the citation, the citation becomes the department's final order.

1429 (6) The department may, for a person who fails to comply with a citation under this
1430 section:

1431 (a) refuse to issue or renew the person's license or agent registration card; or

1432 (b) suspend, revoke, or place on probation the person's license or agent registration
1433 card.

1434 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
1435 this chapter, if an individual violates a provision of this chapter, the individual is:

1436 (i) guilty of an infraction; and

1437 (ii) subject to a \$100 fine.

1438 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
1439 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1440 underlying the violation described in Subsection (7)(a).

1441 Section 16. Section **53B-17-903** is enacted to read:

1442 **53B-17-903. Education in pain treatment.**

1443 The University of Utah School of Medicine shall ensure that any licensed physicians
1444 who oversee fellowship training to specialize in pain treatment are qualified medical providers,
1445 as that term is defined in Section [26-61a-102](#).

1446 Section 17. **Effective date.**

1447 If approved by two-thirds of all the members elected to each house, this bill takes effect
1448 upon approval by the governor, or the day following the constitutional time limit of Utah
1449 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1450 the date of veto override.