

Senator Luz Escamilla proposes the following substitute bill:

MEDICAL CANNABIS ACCESS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Raymond P. Ward

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;



- 26 ▶ codifies a rule regarding the names and logos of medical cannabis pharmacies;
- 27 ▶ 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 **4-41a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 39 **26-21-2.1**, as last amended by Laws of Utah 1997, Chapter 209
- 40 **26-61-102**, as enacted by Laws of Utah 2017, Chapter 398
- 41 **26-61-201**, as last amended by Laws of Utah 2018, Chapter 110
- 42 **26-61a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 43 **26-61a-104**, as last amended by Laws of Utah 2020, Chapter 12
- 44 **26-61a-105**, as last amended by Laws of Utah 2021, Chapter 350
- 45 **26-61a-106**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 46 **26-61a-201**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350 and
- 47 further amended by Revisor Instructions, Laws of Utah 2021, Chapter 337
- 48 **26-61a-202**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350
- 49 **26-61a-403**, as last amended by Laws of Utah 2021, Chapters 337 and 350
- 50 **26-61a-505**, as last amended by Laws of Utah 2021, Chapter 350
- 51 **26-61a-604**, as last amended by Laws of Utah 2020, Chapter 354
- 52 **26-61a-607**, as last amended by Laws of Utah 2021, Chapter 350
- 53 **26-61a-702**, as last amended by Laws of Utah 2020, Chapter 354

54 ENACTS:

- 55 **26-61a-116**, Utah Code Annotated 1953
- 56 **53B-17-903**, Utah Code Annotated 1953

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

Section 1. Section **4-41a-102** is amended to read:

4-41a-102. Definitions.

As used in this chapter:

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

- (a) pesticides;
- (b) heavy metals;
- (c) solvents;
- (d) microbial life;
- (e) toxins; or
- (f) foreign matter.

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

(3) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

(4) "Cannabis concentrate" means:

(a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; and

(b) any amount of a natural, derivative, or synthetic cannabinoid in the synthetic cannabinoid's purified state.

(5) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not intended to be sold as a cannabis plant product.

(6) "Cannabis cultivation facility" means a person that:

- (a) possesses cannabis;
- (b) grows or intends to grow cannabis; and
- (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

(7) "Cannabis cultivation facility agent" means an individual who:

- (a) is an employee of a cannabis cultivation facility; and
- (b) holds a valid cannabis production establishment agent registration card.

88 (8) "Cannabis derivative product" means a product made using cannabis concentrate.

89 (9) "Cannabis plant product" means any portion of a cannabis plant intended to be sold
90 in a form that is recognizable as a portion of a cannabis plant.

91 (10) "Cannabis processing facility" means a person that:

92 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

93 (b) possesses cannabis with the intent to manufacture a cannabis product;

94 (c) manufactures or intends to manufacture a cannabis product from unprocessed
95 cannabis or a cannabis extract; and

96 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
97 medical cannabis research licensee.

98 (11) "Cannabis processing facility agent" means an individual who:

99 (a) is an employee of a cannabis processing facility; and

100 (b) holds a valid cannabis production establishment agent registration card.

101 (12) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

102 (13) "Cannabis production establishment" means a cannabis cultivation facility, a
103 cannabis processing facility, or an independent cannabis testing laboratory.

104 (14) "Cannabis production establishment agent" means a cannabis cultivation facility
105 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

106 (15) "Cannabis production establishment agent registration card" means a registration
107 card that the department issues that:

108 (a) authorizes an individual to act as a cannabis production establishment agent; and

109 (b) designates the type of cannabis production establishment for which an individual is
110 authorized to act as an agent.

111 (16) "Community location" means a public or private elementary or secondary school,
112 a church, a public library, a public playground, or a public park.

113 (17) "Cultivation space" means, quantified in square feet, the horizontal area in which
114 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the
115 cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other
116 plants in multiple levels.

117 (18) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid
118 identified as CAS# 1972-08-03, the primary psychotropic cannabinoid in cannabis.

- 119 (19) "Department" means the Department of Agriculture and Food.
- 120 (20) "Derivative cannabinoid" means any cannabinoid that has been intentionally
121 created using a process to convert a naturally occurring cannabinoid into another cannabinoid.
- 122 (21) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
123 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
124 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 125 (22) (a) "Independent cannabis testing laboratory" means a person that:
126 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
127 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
128 conduct a chemical or other analysis of the cannabis or cannabis product.
- 129 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
130 operates in accordance with Subsection 4-41a-201(14).
- 131 (23) "Independent cannabis testing laboratory agent" means an individual who:
132 (a) is an employee of an independent cannabis testing laboratory; and
133 (b) holds a valid cannabis production establishment agent registration card.
- 134 (24) "Industrial hemp waste" means:
135 (a) a cannabinoid extract above 0.3% total THC derived from verified industrial hemp
136 biomass; or
137 (b) verified industrial hemp biomass with a total THC concentration of less than 0.3%
138 by dry weight.
- 139 (25) "Inventory control system" means a system described in Section 4-41a-103.
- 140 (26) "Licensing board" or "board" means the Cannabis Production Establishment
141 Licensing Advisory Board created in Section 4-41a-201.1.
- 142 (27) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.
- 143 (28) "Medical cannabis card" means the same as that term is defined in Section
144 26-61a-102.
- 145 (29) "Medical cannabis pharmacy" means the same as that term is defined in Section
146 26-61a-102.
- 147 (30) "Medical cannabis pharmacy agent" means the same as that term is defined in
148 Section 26-61a-102.
- 149 (31) "Medical cannabis research license" means a license that the department issues to

150 a research university for the purpose of obtaining and possessing medical cannabis for
151 academic research.

152 (32) "Medical cannabis research licensee" means a research university that the
153 department licenses to obtain and possess medical cannabis for academic research, in
154 accordance with Section 4-41a-901.

155 (33) "Medical cannabis treatment" means the same as that term is defined in Section
156 26-61a-102.

157 (34) "Medicinal dosage form" means the same as that term is defined in Section
158 26-61a-102.

159 (35) "Qualified medical provider" means the same as that term is defined in Section
160 26-61a-102.

161 (36) "Qualified Production Enterprise Fund" means the fund created in Section
162 4-41a-104.

163 (37) "Recommending medical provider" means the same as that term is defined in
164 Section 26-61a-102.

165 (38) "Research university" means the same as that term is defined in Section
166 53B-7-702 and a private, nonprofit college or university in the state that:

167 (a) is accredited by the Northwest Commission on Colleges and Universities;

168 (b) grants doctoral degrees; and

169 (c) has a laboratory containing or a program researching a schedule I controlled
170 substance described in Section 58-37-4.

171 (39) "State electronic verification system" means the system described in Section
172 26-61a-103.

173 (40) "Synthetic cannabinoid" means any cannabinoid that:

174 (a) was chemically synthesized from starting materials other than a naturally occurring
175 cannabinoid; and

176 (b) is not a derivative cannabinoid.

177 (41) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
178 equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

179 (42) "Total composite tetrahydrocannabinol" means all detectable forms of
180 tetrahydrocannabinol.

181 (43) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined
182 amounts of delta-9-THC and tetrahydrocannabinolic acid, calculated as "total THC =
183 delta-9-THC + (THCA x 0.877)."

184 Section 2. Section **26-21-2.1** is amended to read:

185 **26-21-2.1. Services.**

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

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

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

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

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

201 Section 3. Section **26-61-102** is amended to read:

202 **26-61-102. Definitions.**

203 As used in this chapter:

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

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

207 (b) that is approved by an IRB.

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

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

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

212 (5) "Expanded cannabinoid product" means the same as that term is defined in Section
213 58-37-3.6.

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

217 Section 4. Section 26-61-201 is amended to read:

218 **26-61-201. Cannabis Research Review Board.**

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

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

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

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

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

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

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

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

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

236 (6) The board shall:

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

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

241 [~~(8)~~] (7) Each board member, including the chair, has one vote.

242 [~~(9)~~] (8) (a) A majority of board members constitutes a quorum.

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

245 ~~[(10)]~~ (9) A board member may not receive compensation for the member's service on
246 the board, but may, in accordance with rules adopted by the board in accordance with Title
247 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

- 248 (a) per diem at the rate established under Section 63A-3-106; and
- 249 (b) travel expenses at the rate established under Section 63A-3-107.

250 (10) If a board member appointed under Subsection (2)(b) does not meet the
251 qualifications of Subsection (2)(b) before July 1, 2022:

- 252 (a) the board member's seat is vacant; and
- 253 (b) the department shall fill the vacancy in accordance with this section.

254 Section 5. Section 26-61a-102 is amended to read:

255 **26-61a-102. Definitions.**

256 As used in this chapter:

- 257 (1) "Active tetrahydrocannabinol" means Delta-8-THC, Delta-9-THC, and
258 tetrahydrocannabinolic acid.
- 259 (2) "~~Cannabinoid Product~~ Cannabis Research Review Board" means the
260 Cannabis Research Review Board created in Section 26-61-201.
- 261 (3) "Cannabis" means marijuana.
- 262 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
263 4-41a-102.
- 264 (5) "Cannabis processing facility" means the same as that term is defined in Section
265 4-41a-102.
- 266 (6) "Cannabis product" means a product that:
 - 267 (a) is intended for human use; and
 - 268 (b) contains cannabis or tetrahydrocannabinol.
- 269 (7) "Cannabis production establishment" means the same as that term is defined in
270 Section 4-41a-102.
- 271 (8) "Cannabis production establishment agent" means the same as that term is defined
272 in Section 4-41a-102.
- 273 (9) "Cannabis production establishment agent registration card" means the same as that

274 term is defined in Section 4-41a-102.

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

277 (11) "Conditional medical cannabis card" means an electronic medical cannabis card
278 that the department issues in accordance with Subsection 26-61a-201(1)(b) to allow an
279 applicant for a medical cannabis card to access medical cannabis during the department's
280 review of the application.

281 (12) "Controlled substance database" means the controlled substance database created
282 in Section 58-37f-201.

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

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

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

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

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

289 (16) "Designated caregiver" means:

290 (a) an individual:

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

293 (ii) who registers with the department under Section 26-61a-202; or

294 (b) (i) a facility that an individual designates as a designated caregiver in accordance
295 with Subsection 26-61a-202(1)(b); or

296 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

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

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

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

303 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
304 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis

305 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
306 state central patient portal facilitates.

307 (21) "Inventory control system" means the system described in Section 4-41a-103.

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

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

312 (b) may not exceed:

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

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

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

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

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

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

322 (a) meets the recommending qualifications; and

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

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

327 (26) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
328 product in a medicinal dosage form.

329 (27) "Medical cannabis card" means a medical cannabis patient card, a medical
330 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
331 card.

332 (28) "Medical cannabis cardholder" means:

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

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

335 (i) within the scope of the facility's or assigned employee's performance of the role of a

336 medical cannabis patient cardholder's caregiver designation under Subsection
337 26-61a-202(1)(b); and

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

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

340 (B) the identity of the individual presenting the documentation; and

341 (C) the relation of the individual presenting the documentation to the caregiver
342 designation.

343 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder
344 may print or store on an electronic device or a physical card or document that:

345 (a) the department issues to an individual whom a medical cannabis patient cardholder
346 or a medical cannabis guardian cardholder designates as a designated caregiver; and

347 (b) is connected to the electronic verification system.

348 (30) "Medical cannabis courier" means a courier that:

349 (a) the department licenses in accordance with Section 26-61a-604; and

350 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
351 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

352 (31) "Medical cannabis courier agent" means an individual who:

353 (a) is an employee of a medical cannabis courier; and

354 (b) who holds a valid medical cannabis courier agent registration card.

355 (32) (a) "Medical cannabis device" means a device that an individual uses to ingest or
356 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

357 (b) "Medical cannabis device" does not include a device that:

358 (i) facilitates cannabis combustion; or

359 (ii) an individual uses to ingest substances other than cannabis.

360 (33) "Medical cannabis guardian card" means an electronic document that a cardholder
361 may print or store on an electronic device or a physical card or document that:

362 (a) the department issues to the parent or legal guardian of a minor with a qualifying
363 condition; and

364 (b) is connected to the electronic verification system.

365 (34) "Medical cannabis patient card" means an electronic document that a cardholder
366 may print or store on an electronic device or a physical card or document that:

- 367 (a) the department issues to an individual with a qualifying condition; and
368 (b) is connected to the electronic verification system.
- 369 (35) "Medical cannabis pharmacy" means a person that:
370 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
371 medicinal dosage form from a cannabis processing facility or another medical cannabis
372 pharmacy or a medical cannabis device; or
373 (ii) possesses medical cannabis or a medical cannabis device; and
374 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
375 cannabis cardholder.
- 376 (36) "Medical cannabis pharmacy agent" means an individual who:
377 (a) is an employee of a medical cannabis pharmacy; and
378 (b) who holds a valid medical cannabis pharmacy agent registration card.
- 379 (37) "Medical cannabis pharmacy agent registration card" means a registration card
380 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
381 agent.
- 382 (38) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
383 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
384 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
385 cannabis order that the state central patient portal facilitates.
- 386 (39) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
387 cannabis product in a medicinal dosage form, or a medical cannabis device.
- 388 (40) (a) "Medicinal dosage form" means:
389 (i) for processed medical cannabis or a medical cannabis product, the following with a
390 specific and consistent cannabinoid content:
391 (A) a tablet;
392 (B) a capsule;
393 (C) a concentrated liquid or viscous oil;
394 (D) a liquid suspension;
395 (E) a topical preparation;
396 (F) a transdermal preparation;
397 (G) a sublingual preparation;

398 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
399 rectangular cuboid shape; or
400 (I) a resin or wax;
401 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
402 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
403 stated weight at the time of packaging;
404 (B) at any time the medical cannabis cardholder transports or possesses the container in
405 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
406 and
407 (C) is labeled with the container's content and weight, the date of purchase, the legal use
408 termination date, and after December 31, 2020, a barcode that provides information connected
409 to an inventory control system; and
410 (iii) a form measured in grams, milligrams, or milliliters.
411 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
412 (i) the medical cannabis cardholder has recently removed from the container described
413 in Subsection (40)(a)(ii) for use; and
414 (ii) does not exceed the quantity described in Subsection (40)(a)(ii).
415 (c) "Medicinal dosage form" does not include:
416 (i) any unprocessed cannabis flower outside of the container described in Subsection
417 (40)(a)(ii), except as provided in Subsection (40)(b);
418 (ii) any unprocessed cannabis flower in a container described in Subsection (40)(a)(ii)
419 after the legal use termination date; or
420 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
421 on a nail or other metal object that is heated by a flame, including a blowtorch.
422 (41) "Nonresident patient" means an individual who:
423 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
424 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
425 card under the laws of another state, district, territory, commonwealth, or insular possession of
426 the United States; and
427 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.
428 (42) "Payment provider" means an entity that contracts with a cannabis production

429 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
430 establishment or pharmacy and other businesses or individuals.

431 (43) "Pharmacy medical provider" means the medical provider required to be on site at
432 a medical cannabis pharmacy under Section 26-61a-403.

433 (44) "Provisional patient card" means a card that:

434 (a) the department issues to a minor with a qualifying condition for whom:

435 (i) a recommending medical provider has recommended a medical cannabis treatment;

436 and

437 (ii) the department issues a medical cannabis guardian card to the minor's parent or
438 legal guardian; and

439 (b) is connected to the electronic verification system.

440 (45) "Qualified medical provider" means an individual:

441 (a) who meets the recommending qualifications; and

442 (b) whom the department registers to recommend treatment with cannabis in a
443 medicinal dosage form under Section 26-61a-106.

444 (46) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
445 26-61a-109.

446 (47) "Qualifying condition" means a condition described in Section 26-61a-104.

447 (48) "Recommend" or "recommendation" means, for a recommending medical
448 provider, the act of suggesting the use of medical cannabis treatment, which:

449 (a) certifies the patient's eligibility for a medical cannabis card; and

450 (b) may include, at the recommending medical provider's discretion, directions of use,
451 with or without dosing guidelines.

452 (49) "Recommending medical provider" means a qualified medical provider or a
453 limited medical provider.

454 (50) "Recommending qualifications" means that an individual:

455 (a) (i) has the authority to write a prescription;

456 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
457 Controlled Substances Act; and

458 (iii) possesses the authority, in accordance with the individual's scope of practice, to
459 prescribe a Schedule II controlled substance; and

460 (b) is licensed as:
461 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
462 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
463 Act;
464 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
465 Chapter 68, Utah Osteopathic Medical Practice Act; or

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

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

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

473 (53) "State electronic verification system" means the system described in Section
474 26-61a-103.

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

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

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

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

481 (i) a United States passport;

482 (ii) a United States passport card;

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

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

485 (c) a passport that another country issued.

486 Section 6. Section 26-61a-104 is amended to read:

487 **26-61a-104. Qualifying condition.**

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

- 491 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
492 treatment for the condition; or
- 493 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- 494 (2) For the purposes of this chapter, each of the following conditions is a qualifying
495 condition:
- 496 (a) HIV or acquired immune deficiency syndrome;
- 497 (b) Alzheimer's disease;
- 498 (c) amyotrophic lateral sclerosis;
- 499 (d) cancer;
- 500 (e) cachexia;
- 501 (f) persistent nausea that is not significantly responsive to traditional treatment, except
502 for nausea related to:
- 503 (i) pregnancy;
- 504 (ii) cannabis-induced cyclical vomiting syndrome; or
- 505 (iii) cannabinoid hyperemesis syndrome;
- 506 (g) Crohn's disease or ulcerative colitis;
- 507 (h) epilepsy or debilitating seizures;
- 508 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 509 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
510 mental health therapist, as that term is defined in Section [58-60-102](#), and that:
- 511 (i) has been diagnosed by a healthcare provider or mental health provider employed or
512 contracted by the United States Veterans Administration, evidenced by copies of medical
513 records from the United States Veterans Administration that are included as part of the
514 qualified medical provider's pre-treatment assessment and medical record documentation; or
- 515 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
516 the patient, by a provider who is:
- 517 (A) a licensed board-eligible or board-certified psychiatrist;
- 518 (B) a licensed psychologist with a master's-level degree;
- 519 (C) a licensed clinical social worker with a master's-level degree; or
- 520 (D) a licensed advanced practice registered nurse who is qualified to practice within
521 the psychiatric mental health nursing ~~[speciality]~~ specialty and who has completed the clinical

522 practice requirements in psychiatric mental health nursing, including in psychotherapy, in
523 accordance with Subsection 58-31b-302(4)(g);

524 (k) autism;

525 (l) a terminal illness when the patient's remaining life expectancy is less than six
526 months;

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

528 (n) a rare condition or disease that:

529 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
530 of the Federal Food, Drug, and Cosmetic Act; and

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

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

533 (B) physical interventions;

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

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

537 (ii) physical interventions; ~~and~~

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

541 ~~(p)~~ (q) a condition that the Compassionate Use Board approves under Section
542 26-61a-105, on an individual, case-by-case basis.

543 Section 7. Section 26-61a-105 is amended to read:

544 **26-61a-105. Compassionate Use Board.**

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

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

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

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

551 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine
552 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,

553 pediatrics, or gastroenterology; and

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

556 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
557 the executive director shall ensure that at least two have a board certification in pediatrics.

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

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

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

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

563 (i) each term is four years; and

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

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

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

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

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

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

573 (5) The Compassionate Use Board shall:

574 (a) review and recommend for department approval a petition to the board regarding an
575 individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection
576 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
577 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
578 period of validity, if:

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

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

583 (B) has not, in the qualified medical provider's professional opinion, adequately

584 responded to conventional treatments;

585 (ii) the qualified medical provider:

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

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

588 describing relevant treatment history including rationale for considering the use of medical

589 cannabis; and

590 (iii) the Compassionate Use Board determines that:

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

592 (B) based on available information, it may be in the best interests of the individual to

593 allow the use of medical cannabis;

594 (b) review and approve or deny the use of a medical cannabis device for an individual

595 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection

596 26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the

597 individual or minor be allowed to use a medical cannabis device to vaporize the medical

598 cannabis treatment;

599 (c) unless no petitions are pending:

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

601 (ii) if there are more petitions than the board can receive or review during the board's

602 regular schedule, as often as necessary;

603 (d) except as provided in Subsection (6), complete a review of each petition and

604 recommend to the department approval or denial of the applicant for qualification for a medical

605 cannabis card within 90 days after the day on which the board received the petition;

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

607 (f) report, before November 1 of each year, to the Health and Human Services Interim

608 Committee:

609 (i) the number of compassionate use recommendations the board issued during the past

610 year; and

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

612 (6) The department shall make rules, in consultation with the Compassionate Use

613 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to

614 establish a process and criteria for a petition to the board to automatically qualify for expedited

615 final review and approval or denial by the department in cases where, in the determination of
616 the department and the board:

617 (a) time is of the essence;

618 (b) engaging the full review process would be unreasonable in light of the petitioner's
619 physical condition; and

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

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

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

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

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

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

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

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

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

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

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

643 (c) In reviewing the Compassionate Use Board's recommendation for approval or
644 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
645 presume the board properly exercised the board's discretion unless the department determines

646 that the board's recommendation was arbitrary or capricious.

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

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

652 Section 8. Section **26-61a-106** is amended to read:

653 **26-61a-106. Qualified medical provider registration -- Continuing education --**
654 **Treatment recommendation -- Limited medical provider.**

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

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

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

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

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

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

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

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

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

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

685 (ii) may include:

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

687 (B) an indication of a need for a caregiver in accordance with Subsection

688 [26-61a-201\(3\)\(c\)](#).

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

693 (i) the date of issuance;

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

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

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

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

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

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

707 (iii) provides to the department evidence that the individual meets the recommending

708 qualifications;

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

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

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

713 (B) does not exceed \$300 for an initial registration.

714 (b) The department may not register an individual as a qualified medical provider if the
715 individual is:

716 (i) a pharmacy medical provider; or

717 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
718 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

719 (3) (a) An individual shall complete the continuing education described in this
720 Subsection (3) in the following amounts:

721 (i) for an individual as a condition precedent to registration, four hours; and

722 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
723 every two years.

724 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

725 (i) complete continuing education:

726 (A) regarding the topics described in Subsection (3)(d); and

727 (B) offered by the department under Subsection (3)(c) or an accredited or approved
728 continuing education provider that the department recognizes as offering continuing education
729 appropriate for the recommendation of cannabis to patients; and

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

734 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
735 Act, the Podiatric Physician Board;

736 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
737 Nurse Practice Act, the Board of Nursing;

738 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical

739 Practice Act, the Physicians Licensing Board;

740 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
741 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
742 and

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

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

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

748 (i) the provisions of this chapter;

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

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

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

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

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

760 (b) A qualified medical provider may recommend a medical cannabis treatment to up to
761 600 of the qualified medical provider's patients at any given time, as determined by the number
762 of medical cannabis cards under the qualified medical provider's name in the state electronic
763 verification system, if:

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

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

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

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

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

781 (i) a green cross;

782 (ii) the provider's or clinic's name and logo;

783 [~~(ii)~~] (iii) a qualifying condition that the individual treats;

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

786 [~~(iv)~~] (v) a scientific study regarding medical cannabis use.

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

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

791 (i) applies for renewal;

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

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

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

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

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

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

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

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

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

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

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

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

812 (i) if applicable, that the qualified medical provider or the entity that employs the
813 qualified medical provider represents online or on printed material that the qualified medical
814 provider is a qualified medical provider or offers medical cannabis recommendations to
815 patients; and

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

819 (b) The department shall:

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

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

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

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

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

830 Section 9. Section **26-61a-116** is enacted to read:

831 **26-61a-116. Advertising.**

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

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

836 (a) using promotional discounts or incentives;

837 (b) except as provided in Section [26-61a-403](#), a particular medical cannabis product,
838 medical cannabis device, or medicinal dosage form; or

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

840 (3) Notwithstanding Subsection (1):

841 (a) a nonprofit organization that offers financial assistance for medical cannabis
842 treatment to low-income patients may advertise the organization's assistance if the
843 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical
844 cannabis product; and

845 (b) a medical cannabis pharmacy may provide information regarding subsidies for the
846 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy
847 information.

848 (4) To ensure that the name and logo of a licensee under this chapter have a medical
849 rather than a recreational disposition, the name and logo of the licensee:

850 (a) may include terms and images associated with:

851 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"
852 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"
853 "relief," "treatment," and "patient"; or

854 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom";

855 (b) may not include:

856 (i) any term, statement, design representation, picture, or illustration that is associated
857 with a recreational disposition or that appeals to children;

858 (ii) an emphasis on a psychoactive ingredient;

859 (iii) a specific cannabis strain; or

860 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"
861 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"
862 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"

863 "bong," "budtender," "dab," "blaze," "toke," or "420."

864 (5) The department shall define standards for advertising authorized under this chapter,
865 including names and logos in accordance with Subsection (4), to ensure a medical rather than
866 recreational disposition.

867 Section 10. Section **26-61a-201** is amended to read:

868 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
869 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

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

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

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

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

878 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
879 **26-61a-202(4)**.

880 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
881 electronic verification system is functionally capable of facilitating a conditional medical
882 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
883 provider's medical cannabis recommendation for a patient in the state electronic verification
884 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
885 medical provider or medical cannabis pharmacy in accordance with Subsection
886 **26-61a-501(11)(a)**, the department shall issue to the patient an electronic conditional medical
887 cannabis card, in accordance with this Subsection (1)(b).

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

889 (A) 60 days; or

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

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

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

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

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

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

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

904 (ii) the individual is a Utah resident;

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

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

909 (v) the individual pays to the department a fee in an amount that, subject to Subsection
910 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

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

912 (A) is at least 18 years old;

913 (B) is a Utah resident;

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

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

920 (E) pays to the department a fee in an amount that, subject to Subsection
921 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
922 criminal background check described in Section 26-61a-203; and

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

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

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

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

930 (A) the minor has a qualifying condition;

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

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

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

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

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

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

951 (i) through an electronic application connected to the state electronic verification
952 system;

953 (ii) with the recommending medical provider; and

954 (iii) with information including:

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

956 (B) the number of the applicant's valid form of photo identification;
957 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
958 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
959 and

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

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

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

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

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

974 (B) any adult who is 18 years old or older and who is physically present with the
975 cardholder at the time the cardholder needs to use the recommended medical cannabis
976 treatment may handle the medical cannabis treatment and any associated medical cannabis
977 device as needed to assist the cardholder in administering the recommended medical cannabis
978 treatment; and

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

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

984 (A) ingest or inhale medical cannabis;

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

987 assistance to the cardholder; or

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

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

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

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

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

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

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

1000 (iii) consider the recommendation in light of the patient's qualifying condition, history
1001 of substance use or opioid use disorder, and history of medical cannabis and controlled
1002 substance use during an initial face-to-face visit with the patient; and

1003 (b) state in the recommending medical provider's recommendation that the patient:

1004 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1005 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1006 product in a medicinal dosage form.

1007 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
1008 department issues under this section is valid for the lesser of:

1009 (i) an amount of time that the recommending medical provider determines; or

1010 (ii) (A) six months for the first issuance, and, except as provided in Subsection
1011 (5)(a)(ii)(B), for a renewal; or

1012 (B) for a renewal, one year if, after at least one year following the issuance of the
1013 original medical cannabis card, the recommending medical provider determines that the patient
1014 has been stabilized on the medical cannabis treatment and a one-year renewal period is
1015 justified.

1016 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1017 illness described in Section 26-61a-104 does not expire.

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

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

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

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

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

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

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

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

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

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

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

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

1049 purchase, in accordance with this chapter and the recommendation underlying the card,
1050 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1051 medical cannabis device.

1052 (ii) A cardholder under this section may possess or transport, in accordance with this
1053 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1054 cannabis product in a medicinal dosage form, or a medical cannabis device.

1055 (iii) To address the qualifying condition underlying the medical cannabis treatment
1056 recommendation:

1057 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1058 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1059 or a medical cannabis device; and

1060 (B) a medical cannabis guardian cardholder may assist the associated provisional
1061 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1062 product in a medicinal dosage form, or a medical cannabis device.

1063 (c) If a licensed medical cannabis pharmacy is not operating within the state after
1064 January 1, 2021, a cardholder under this section:

1065 (i) may possess:

1066 (A) up to the legal dosage limit of unprocessed cannabis in a medicinal dosage form;

1067 (B) up to the legal dosage limit of a cannabis product in a medicinal dosage form; and

1068 (C) marijuana drug paraphernalia; and

1069 (ii) is not subject to prosecution for the possession described in Subsection (7)(c)(i).

1070 (8) The department may revoke a medical cannabis card that the department issues
1071 under this section if the cardholder:

1072 (a) violates this chapter; or

1073 (b) is convicted under state or federal law of ~~[(i) a felony, or (ii)]~~, after March 17,
1074 2021, a ~~[misdemeanor for]~~ drug distribution offense.

1075 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1076 Utah Administrative Rulemaking Act, a process to provide information regarding the following
1077 to an individual receiving a medical cannabis card:

1078 (a) risks associated with medical cannabis treatment;

1079 (b) the fact that a condition's listing as a qualifying condition does not suggest that

1080 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1081 Subsection [26-61a-104](#)(1); and

1082 (c) other relevant warnings and safety information that the department determines.

1083 (10) The department may establish procedures by rule, in accordance with Title 63G,
1084 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
1085 provisions of this section.

1086 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
1087 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
1088 an individual from another state to register with the department in order to purchase medical
1089 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
1090 is visiting the state.

1091 (b) The department may only provide the registration process described in Subsection
1092 (11)(a):

1093 (i) to a nonresident patient; and

1094 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
1095 per visitation period.

1096 (12) (a) A person may submit to the department a request to conduct a research study
1097 using medical cannabis cardholder data that the state electronic verification system contains.

1098 (b) The department shall review a request described in Subsection (12)(a) to determine
1099 whether an institutional review board, as that term is defined in Section [26-61-102](#), could
1100 approve the research study.

1101 (c) At the time an individual applies for a medical cannabis card, the department shall
1102 notify the individual:

1103 (i) of how the individual's information will be used as a cardholder;

1104 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1105 consent under Subsection (12)(d), the individual consents to the use of the individual's
1106 information for external research; and

1107 (iii) that the individual may withdraw consent for the use of the individual's
1108 information for external research at any time, including at the time of application.

1109 (d) An applicant may, through the medical cannabis card application, and a medical
1110 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or

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

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

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

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

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

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

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

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

1124 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**
1125 **Revocation.**

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

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

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

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

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

1142 (C) for a patient, a general acute hospital, as that term is defined in Section 26-21-2.

1143 (ii) A facility may:

1144 (A) assign one or more employees to assist patients with medical cannabis treatment
1145 under the caregiver designation described in this Subsection (1)(b)[-]; and

1146 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1147 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
1148 designated the facility as a caregiver.

1149 (iii) The department shall make rules to regulate the practice of facilities and facility
1150 employees serving as designated caregivers under this Subsection (1)(b).

1151 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in
1152 consultation with the minor and the minor's qualified medical provider, may designate, through
1153 the state central patient portal, up to two individuals to serve as a designated caregiver for the
1154 minor, if the department determines that the parent or legal guardian is not eligible for a
1155 medical cannabis guardian card under Section 26-61a-201.

1156 (2) An individual that the department registers as a designated caregiver under this
1157 section and a facility described in Subsection (1)(b):

1158 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1159 card;

1160 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1161 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1162 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1163 cardholder;

1164 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1165 or for a service that the designated caregiver provides in relation to the role as a designated
1166 caregiver;

1167 (d) may accept reimbursement from the designating medical cannabis cardholder for
1168 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1169 medicinal use of cannabis; and

1170 (e) if a licensed medical cannabis pharmacy is not operating within the state after
1171 January 1, 2021:

1172 (i) may possess up to the legal dosage limit of:

- 1173 (A) unprocessed medical cannabis in a medicinal dosage form; and
- 1174 (B) a cannabis product in a medicinal dosage form;
- 1175 (ii) may possess marijuana drug paraphernalia; and
- 1176 (iii) is not subject to prosecution for the possession described in Subsection (2)(e)(i).
- 1177 (3) (a) The department shall:
 - 1178 (i) within 15 days after the day on which an individual submits an application in
 - 1179 compliance with this section, issue a medical cannabis card to the applicant if the applicant:
 - 1180 (A) is designated as a caregiver under Subsection (1);
 - 1181 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
 - 1182 (C) complies with this section; and
 - 1183 (ii) notify the Department of Public Safety of each individual that the department
 - 1184 registers as a designated caregiver.
- 1185 (b) The department shall ensure that a medical cannabis caregiver card contains the
- 1186 information described in Subsection (5)(b).
- 1187 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
 - 1188 (a) is at least 21 years old;
 - 1189 (b) is a Utah resident;
 - 1190 (c) pays to the department a fee in an amount that, subject to Subsection
 - 1191 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
 - 1192 criminal background check described in Section [26-61a-203](#);
 - 1193 (d) signs an acknowledgment stating that the applicant received the information
 - 1194 described in Subsection [26-61a-201\(9\)](#); and
 - 1195 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
 - 1196 a felony under either state or federal law, unless the individual completes any imposed sentence
 - 1197 two or more years before the day on which the individual submits the application.
- 1198 (5) An eligible applicant for a medical cannabis caregiver card shall:
 - 1199 (a) submit an application for a medical cannabis caregiver card to the department
 - 1200 through an electronic application connected to the state electronic verification system; and
 - 1201 (b) submit the following information in the application described in Subsection (5)(a):
 - 1202 (i) the applicant's name, gender, age, and address;
 - 1203 (ii) the name, gender, age, and address of the cardholder described in Section

1204 26-61a-201 who designated the applicant; and

1205 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1206 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
1207 cannabis guardian cardholder.

1208 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1209 department issues under this section is valid for the lesser of:

1210 (a) an amount of time that the cardholder described in Section 26-61a-201 who
1211 designated the caregiver determines; or

1212 (b) the amount of time remaining before the card of the cardholder described in Section
1213 26-61a-201 expires.

1214 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
1215 designated caregiver's medical cannabis caregiver card renews automatically at the time the
1216 cardholder described in Section 26-61a-201 who designated the caregiver:

1217 (i) renews the cardholder's card; and

1218 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1219 (b) The department shall provide a method in the card renewal process to allow a
1220 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1221 (i) signify that the cardholder renews the caregiver's designation;

1222 (ii) remove a caregiver's designation; or

1223 (iii) designate a new caregiver.

1224 (8) The department may revoke a medical cannabis caregiver card if the designated
1225 caregiver:

1226 (a) violates this chapter; or

1227 (b) is convicted under state or federal law of:

1228 (i) a felony drug distribution offense; or

1229 (ii) after December 3, 2018, a misdemeanor drug distribution offense.

1230 (9) The department shall record the issuance or revocation of a medical cannabis card
1231 under this section in the controlled substance database.

1232 Section 12. Section 26-61a-403 is amended to read:

1233 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

1234 (1) (a) A medical cannabis pharmacy:

1235 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1236 Practice Act, as a pharmacy medical provider;

1237 (ii) may employ a physician who has the authority to write a prescription and is
1238 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1239 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1240 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1241 works onsite during all business hours; and

1242 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
1243 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
1244 cannabis pharmacy.

1245 (b) An individual may not serve as a pharmacy medical provider unless the department
1246 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1247 (2) (a) The department shall, within 15 days after the day on which the department
1248 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1249 medical provider, register and issue a pharmacy medical provider registration card to the
1250 prospective pharmacy medical provider if the medical cannabis pharmacy:

1251 (i) provides to the department:

1252 (A) the prospective pharmacy medical provider's name and address;

1253 (B) the name and location of the licensed medical cannabis pharmacy where the
1254 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1255 (C) a report detailing the completion of the continuing education requirement described
1256 in Subsection (3); and

1257 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1258 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1259 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
1260 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

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

1263 (b) The department may not register a recommending medical provider or a state
1264 central patient portal medical provider as a pharmacy medical provider.

1265 (3) (a) A pharmacy medical provider shall complete the continuing education described

1266 in this Subsection (3) in the following amounts:

1267 (i) as a condition precedent to registration, four hours; and

1268 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1269 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1270 (i) complete continuing education:

1271 (A) regarding the topics described in Subsection (3)(d); and

1272 (B) offered by the department under Subsection (3)(c) or an accredited or approved

1273 continuing education provider that the department recognizes as offering continuing education

1274 appropriate for the medical cannabis pharmacy practice; and

1275 (ii) make a continuing education report to the department in accordance with a process

1276 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah

1277 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and

1278 Professional Licensing and:

1279 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,

1280 Pharmacy Practice Act, the Board of Pharmacy;

1281 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical

1282 Practice Act, the Physicians Licensing Board; and

1283 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah

1284 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

1285 (c) The department may, in consultation with the Division of Occupational and

1286 Professional Licensing, develop the continuing education described in this Subsection (3).

1287 (d) The continuing education described in this Subsection (3) may discuss:

1288 (i) the provisions of this chapter;

1289 (ii) general information about medical cannabis under federal and state law;

1290 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,

1291 including risks and benefits;

1292 (iv) recommendations for medical cannabis as it relates to the continuing care of a

1293 patient in pain management, risk management, potential addiction, and palliative care; or

1294 (v) best practices for recommending the form and dosage of a medical cannabis

1295 product based on the qualifying condition underlying a medical cannabis recommendation.

1296 (4) (a) A pharmacy medical provider registration card expires two years after the day

1297 on which the department issues or renews the card.

1298 (b) A pharmacy medical provider may renew the provider's registration card if the
1299 provider:

1300 (i) is eligible for a pharmacy medical provider registration card under this section;

1301 (ii) certifies to the department in a renewal application that the information in
1302 Subsection (2)(a) is accurate or updates the information;

1303 (iii) submits a report detailing the completion of the continuing education requirement
1304 described in Subsection (3); and

1305 (iv) pays to the department a renewal fee in an amount that:

1306 (A) subject to Subsection [26-61a-109](#)(5), the department sets in accordance with
1307 Section [63J-1-504](#); and

1308 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1309 comparison to the original application process.

1310 (5) (a) Except as provided in Subsection (5)(b), ~~[an individual]~~ a person may not
1311 advertise that the ~~[individual]~~ person or another person dispenses medical cannabis.

1312 (b) ~~[For purposes of this]~~ Notwithstanding Subsection (5)(a)~~[-, the communication of~~
1313 ~~the following, through a website, by a pharmacy medical provider, does not constitute~~
1314 ~~advertising]~~ and subject to Section [26-61a-116](#), a registered pharmacy medical provider may
1315 advertise the following:

1316 (i) a green cross;

1317 (ii) ~~[the individual's registration]~~ that the person is registered as a pharmacy medical
1318 provider and dispenses medical cannabis; or

1319 (iii) a scientific study regarding medical cannabis use.

1320 Section 13. Section **26-61a-505** is amended to read:

1321 **26-61a-505. Medical cannabis pharmacy advertising.**

1322 (1) Except as provided in this section, a ~~[medical cannabis pharmacy]~~ person may not
1323 advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical
1324 cannabis within the state.

1325 (2) ~~[A]~~ Subject to Section [26-61a-116](#), a medical cannabis pharmacy may:

1326 (a) advertise an employment opportunity at the medical cannabis pharmacy[-];

1327 ~~[(3)(a) Notwithstanding]~~

1328 (b) notwithstanding any municipal or county ordinance prohibiting signage, [a medical
1329 cannabis pharmacy may] use signage on the outside of the medical cannabis pharmacy that:

1330 (i) includes only:

1331 (A) in accordance with Subsection ~~[(3)(b)]~~ 26-61a-116(4), the medical cannabis
1332 pharmacy's name, logo, and hours of operation; and

1333 (B) a green cross; and

1334 (ii) complies with local ordinances regulating signage[-];

1335 ~~[(b) The department shall define standards for a medical cannabis pharmacy's name~~
1336 ~~and logo to ensure a medical rather than recreational disposition.]~~

1337 ~~[(4) (a) A medical cannabis pharmacy may maintain a website that includes~~
1338 ~~information about:]~~

1339 (c) advertise in any medium:

1340 (i) the pharmacy's name and logo;

1341 ~~[(i)]~~ (ii) the location and hours of operation of the medical cannabis pharmacy;

1342 ~~[(ii)]~~ (iii) a product or service available at the medical cannabis pharmacy;

1343 ~~[(iii)]~~ (iv) personnel affiliated with the medical cannabis pharmacy;

1344 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
1345 cannabis pharmacy;

1346 ~~[(iv)]~~ (vi) best practices that the medical cannabis pharmacy upholds; and

1347 ~~[(v)]~~ (vii) educational material related to the medical use of cannabis, as defined by the
1348 department[-]; and

1349 (d) hold an educational event for the public or medical providers in accordance with
1350 Subsection (3) and the rules described in Subsection (4).

1351 ~~[(b) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah~~
1352 ~~Administrative Rulemaking Act, to define the educational material described in Subsection~~
1353 ~~(4)(a).]~~

1354 ~~[(5) (a) A medical cannabis pharmacy may hold an educational event for the public or~~
1355 ~~medical providers in accordance with this Subsection (5) and the rules described in Subsection~~
1356 ~~(5)(c).]~~

1357 ~~[(b)]~~ (3) A medical cannabis pharmacy may not include in an educational event
1358 described in Subsection ~~[(5)(a)]~~ (2)(d):

1359 [(i)] (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis
 1360 Production Establishments;

1361 [(ii)] (b) any gift items or merchandise other than educational materials, as those terms
 1362 are defined by the department;

1363 [(iii)] (c) any marketing for a specific product from the medical cannabis pharmacy or
 1364 any other statement, claim, or information that would violate the federal Food, Drug, and
 1365 Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or

1366 [(iv)] (d) a presenter other than the following:

1367 [(A)] (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1368 [(B)] (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
 1369 Nurse Practice Act;

1370 [(C)] (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
 1371 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1372 [(D)] (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
 1373 Assistant Act;

1374 [(E)] (v) a medical practitioner, similar to the practitioners described in this Subsection
 1375 [(5)(b)(iv)] (3)(d)(v), who is licensed in another state or country;

1376 [(F)] (vi) a state employee; or

1377 [(G)] (vii) if the presentation relates to a cannabis topic other than medical treatment or
 1378 medical conditions, an individual whom the department approves based on the individual's
 1379 background and credentials in the presented topic.

1380 [(e)] (4) The department shall make rules, in accordance with Title 63G, Chapter 3,
 1381 Utah Administrative Rulemaking Act, to define:

1382 (a) the educational material described in Subsection (2)(c)(v); and

1383 (b) the elements of and restrictions on the educational event described in Subsection
 1384 [(5)(a);] (3), including:

1385 (i) a minimum age of 21 years old for attendees; and

1386 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
 1387 at least 18 years old.

1388 Section 14. Section **26-61a-604** is amended to read:

1389 **26-61a-604. Home delivery of medical cannabis shipments -- Medical cannabis**

1390 **couriers -- License.**

1391 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1392 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1393 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
1394 state central patient portal facilitates, including rules regarding the safe and controlled delivery
1395 of medical cannabis shipments.

1396 (2) A person may not operate as a medical cannabis courier without a license that the
1397 department issues under this section.

1398 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
1399 operate as a medical cannabis courier to an applicant who is eligible for a license under this
1400 section.

1401 (b) An applicant is eligible for a license under this section if the applicant submits to
1402 the department:

1403 (i) the name and address of an individual who:

1404 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1405 pharmacy; or

1406 (B) has the power to direct or cause the management or control of a proposed cannabis
1407 production establishment;

1408 (ii) an operating plan that includes operating procedures to comply with the operating
1409 requirements for a medical cannabis courier described in this chapter; and

1410 (iii) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
1411 department sets in accordance with Section 63J-1-504.

1412 (4) If the department determines that an applicant is eligible for a license under this
1413 section, the department shall:

1414 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1415 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

1416 (b) notify the Department of Public Safety of the license approval and the names of
1417 each individual described in Subsection (3)(b)(ii).

1418 (5) The department may not issue a license to operate as a medical cannabis courier to
1419 an applicant if an individual described in Subsection (3)(b)(ii):

1420 (a) has been convicted under state or federal law of:

- 1421 (i) a felony; or
- 1422 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1423 (b) is younger than 21 years old.
- 1424 (6) The department may revoke a license under this part if:
- 1425 (a) the medical cannabis courier does not begin operations within one year after the day
- 1426 on which the department issues the initial license;
- 1427 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1428 or
- 1429 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
- 1430 active, under state or federal law of:
- 1431 (i) a felony; or
- 1432 (ii) after September 23, 2019, a misdemeanor for drug distribution.
- 1433 (7) The department shall deposit the proceeds of a fee imposed by this section in the
- 1434 Qualified Patient Enterprise Fund.
- 1435 (8) The department shall begin accepting applications under this section on or before
- 1436 July 1, 2020.
- 1437 (9) The department's authority to issue a license under this section is plenary and is not
- 1438 subject to review.
- 1439 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
- 1440 of application, from each individual who has a financial or voting interest of 2% or greater in
- 1441 the applicant or who has the power to direct or cause the management or control of the
- 1442 applicant:
- 1443 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 1444 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 1445 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
- 1446 Generation Identification System's Rap Back Service; and
- 1447 (c) consent to a fingerprint background check by:
- 1448 (i) the Bureau of Criminal Identification; and
- 1449 (ii) the Federal Bureau of Investigation.
- 1450 (11) The Bureau of Criminal Identification shall:
- 1451 (a) check the fingerprints the applicant submits under Subsection (10) against the

1452 applicable state, regional, and national criminal records databases, including the Federal
1453 Bureau of Investigation Next Generation Identification System;

1454 (b) report the results of the background check to the department;

1455 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
1456 for search by future submissions to the local and regional criminal records databases, including
1457 latent prints;

1458 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1459 Generation Identification System's Rap Back Service for search by future submissions to
1460 national criminal records databases, including the Next Generation Identification System and
1461 latent prints; and

1462 (e) establish a privacy risk mitigation strategy to ensure that the department only
1463 receives notifications for an individual with whom the department maintains an authorizing
1464 relationship.

1465 (12) The department shall:

1466 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
1467 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1468 Bureau of Criminal Identification or another authorized agency provides under this section; and

1469 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
1470 Identification.

1471 (13) The department shall renew a license under this section every year if, at the time
1472 of renewal:

1473 (a) the licensee meets the requirements of this section; and

1474 (b) the licensee pays the department a license renewal fee in an amount that, subject to
1475 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1476 (14) A person applying for a medical cannabis courier license shall submit to the
1477 department a proposed operating plan that complies with this section and that includes:

1478 (a) a description of the physical characteristics of any proposed facilities, including a
1479 floor plan and an architectural elevation, and delivery vehicles;

1480 (b) a description of the credentials and experience of each officer, director, or owner of
1481 the proposed medical cannabis courier;

1482 (c) the medical cannabis courier's employee training standards;

1483 (d) a security plan; and
1484 (e) storage and delivery protocols, both short and long term, to ensure that medical
1485 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
1486 integrity of the cannabis.

1487 (15) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
1488 the transportation of medical cannabis.

1489 (b) Notwithstanding Subsection (15)(a) and subject to Section 26-61a-116, a licensed
1490 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
1491 advertise:

1492 (i) a green cross;
1493 (ii) the pharmacy's or courier's name and logo; and
1494 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1495 Section 15. Section **26-61a-607** is amended to read:

1496 **26-61a-607. Home delivery of medical cannabis shipments.**

1497 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
1498 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
1499 medical cannabis pharmacy unless:

1500 (a) the individual receiving the shipment presents:

1501 (i) a valid form of photo identification; and
1502 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
1503 form of photo identification; [~~and~~] or

1504 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
1505 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and

1506 (b) the delivery occurs at:

1507 (i) the medical cannabis cardholder's home address that is on file in the state electronic
1508 verification system[-]; or

1509 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
1510 Subsection 26-61a-202(1)(b).

1511 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
1512 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

1513 (a) verify the shipment information using the state electronic verification system;

1514 (b) ensure that the individual satisfies the identification requirements in Subsection (1);

1515 (c) verify that payment is complete; and

1516 (d) record the completion of the shipment transaction in a manner such that the
1517 delivery of the shipment will later be recorded within a reasonable period in the electronic
1518 verification system.

1519 (3) The medical cannabis courier shall:

1520 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
1521 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
1522 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
1523 and

1524 (ii) ensure that only a medical cannabis courier agent is able to access the medical
1525 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

1526 (b) return any undelivered medical cannabis shipment to the home delivery medical
1527 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
1528 possessed the shipment for 10 business days; and

1529 (c) return any medical cannabis shipment to the home delivery medical cannabis
1530 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
1531 accept the shipment.

1532 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
1533 agent returns an undelivered medical cannabis shipment that remains unopened, the home
1534 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

1535 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
1536 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
1537 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
1538 shipment by:

1539 (i) rendering the shipment unusable and unrecognizable before transporting the
1540 shipment from the home delivery medical cannabis pharmacy; and

1541 (ii) disposing of the shipment in accordance with:

1542 (A) federal and state laws, rules, and regulations related to hazardous waste;

1543 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1544 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1545 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1546 3, Utah Administrative Rulemaking Act.

1547 Section 16. Section **26-61a-702** is amended to read:

1548 **26-61a-702. Enforcement -- Fine -- Citation.**

1549 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
1550 courier's violation of this chapter or an applicable administrative rule:

1551 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;

1552 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier

1553 license; or

1554 (iii) assess the medical cannabis pharmacy or medical cannabis courier an

1555 administrative penalty.

1556 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
1557 courier agent's violation of this chapter:

1558 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent

1559 registration card;

1560 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier

1561 agent registration card; or

1562 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an

1563 administrative penalty.

1564 (2) The department shall deposit an administrative penalty imposed under this section
1565 into the General Fund.

1566 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
1567 of a violation in an adjudicative proceeding under this section, the department may:

1568 (a) for a fine amount not already specified in law, assess the person a fine of up to
1569 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
1570 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1571 (b) order the person to cease and desist from the action that creates a violation.

1572 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
1573 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
1574 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
1575 Chapter 4, Administrative Procedures Act.

1576 (5) If, within 20 calendar days after the day on which the department issues a citation
1577 for a violation of this chapter, the person that is the subject of the citation fails to request a
1578 hearing to contest the citation, the citation becomes the department's final order.

1579 (6) The department may, for a person who fails to comply with a citation under this
1580 section:

1581 (a) refuse to issue or renew the person's license or agent registration card; or

1582 (b) suspend, revoke, or place on probation the person's license or agent registration
1583 card.

1584 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
1585 this chapter, if an individual violates a provision of this chapter, the individual is:

1586 (i) guilty of an infraction; and

1587 (ii) subject to a \$100 fine.

1588 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
1589 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1590 underlying the violation described in Subsection (7)(a).

1591 Section 17. Section **53B-17-903** is enacted to read:

1592 **53B-17-903. Education in pain treatment.**

1593 The University of Utah School of Medicine shall ensure that any licensed physicians
1594 who oversee fellowship training to specialize in pain treatment are qualified medical providers,
1595 as that term is defined in Section [26-61a-102](#).

1596 Section 18. **Effective date.**

1597 If approved by two-thirds of all the members elected to each house, this bill takes effect
1598 upon approval by the governor, or the day following the constitutional time limit of Utah
1599 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1600 the date of veto override.