

**Representative Jennifer Dailey-Provost** proposes the following substitute bill:

**HEMP AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill amends provisions related to hemp.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
  - ▶ modifies definitions;
  - ▶ allows the Department of Agriculture and Food (department) to require the registration of non-cannabinoid hemp products;
  - ▶ creates an industrial hemp producer registration process;
  - ▶ prohibits the sale of a cannabinoid product ~~H~~→ that contains THC or a THC analog
- ←~~H~~ to an individual who is not at least 21 years old;
- ▶ allows a cannabinoid processor to produce products that may not be sold in the state;
  - ▶ requires a warning label to be added to all cannabinoid products that are designed to be inhaled;
  - ▶ expands the authority of the department to keep certain fines;
  - ▶ authorizes rulemaking for the department:
    - to test a cannabinoid processor's cannabinoid at the processor's expense; and



305 product the person intends to distribute in this state.

306 (3) The department may conduct tests, or require test results, to ensure that any claim  
307 made by an applicant about [~~an industrial hemp~~] a cannabinoid product class or cannabinoid  
308 product is accurate.

309 (4) Upon receipt by the department of a proper application and payment of the  
310 appropriate fee, as described in Subsection (2), the department shall issue a registration to the  
311 applicant allowing the applicant to distribute the registered [~~industrial hemp~~] cannabinoid  
312 product class or cannabinoid product in the state for one year from the date of the payment of  
313 the fee, subject to suspension or revocation for cause.

314 (5) The department shall mail, either through the postal service or electronically, forms  
315 for the renewal of a registration to a registrant at least 30 days before the day on which the  
316 registrant's registration expires.

317 Section 8. Section **4-41-105** is amended to read:

318 **4-41-105. Unlawful acts.**

319 (1) It is unlawful for a person to handle, process, or market living industrial hemp  
320 plants, viable hemp seeds, leaf materials, or floral materials derived from industrial hemp  
321 without the appropriate license or permit issued by the department under this chapter.

322 (2) It is unlawful for any person to:

323 (a) distribute, sell, or market [~~an industrial hemp product or~~] a cannabinoid product  
324 that is:

325 (i) not registered with the department under Section 4-41-104; or

326 (ii) noncompliant material;

327 (b) transport into or out of the state extracted material or final product that contains  
328 0.3% or more of total THC; [~~or~~]

329 (c) [~~produce, sell,~~] sell or use a cannabinoid product that is:

330 (i) added to a conventional food or beverage, as the department further defines in rules  
331 described in Section 4-41-403;

332 (ii) marketed or manufactured to be enticing to children, as further defined in rules  
333 described in Section 4-41-403; or

334 (iii) smokable flower[~~;~~]; or

335 (d) knowingly or intentionally sell or give a cannabinoid product ~~H~~→ that contains THC  
335a or a THC analog ←~~H~~ in the course of