

Representative Jennifer Dailey-Provost proposes the following substitute bill:

CENTER FOR MEDICAL CANNABIS RESEARCH

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill creates the Center for Medical Cannabis Research.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies membership requirements for members of the Cannabis Research Review Board;
- ▶ creates the Center for Medical Cannabis Research (center) within the University of Utah;
- ▶ requires the Department of Health and Human Services to work with the center to create guidance on medical cannabis use;
- ▶ allows the center to be funded by the Qualified Patient Enterprise Fund; and
- ▶ establishes the center's duties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **26-61-201**, as last amended by Laws of Utah 2022, Chapter 452

28 **26-61a-109**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5

29 **26-61a-703**, as last amended by Laws of Utah 2022, Chapter 97

30 ENACTS:

31 **26-61a-117**, Utah Code Annotated 1953

32 **53B-17-1401**, Utah Code Annotated 1953

33 **53B-17-1402**, Utah Code Annotated 1953



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

36 Section 1. Section **26-61-201** is amended to read:

37 **26-61-201. Cannabis Research Review Board.**

38 (1) There is created the Cannabis Research Review Board within the department.

39 (2) The department shall appoint, in consultation with a professional association based
40 in the state that represents physicians, seven members to the Cannabis Research Review Board
41 as follows:

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

43 (b) four physicians who:

44 (i) are qualified medical providers; and

45 (ii) ~~each~~ **at least two of whom** ~~have~~ have at least 150 patients with a medical
45a cannabis patient card at the time of
46 appointment.

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

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

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

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

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

57 (6) The board shall:

58 (a) nominate a board member to serve as chairperson of the board by a majority vote of
59 the board members; and

60 (b) meet as often as necessary to accomplish the duties assigned to the board under this
61 chapter.

62 (7) Each board member, including the chair, has one vote.

63 (8) (a) A majority of board members constitutes a quorum.

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

66 (9) A board member may not receive compensation for the member's service on the
67 board, but may, in accordance with rules adopted by the board in accordance with Title 63G,
68 Chapter 3, Utah Administrative Rulemaking Act, receive:

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

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

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

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

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

75 Section 2. Section 26-61a-109 is amended to read:

76 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality.**

77 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise
78 Fund."

79 (2) The fund created in this section is funded from:

80 (a) money the department deposits into the fund under this chapter;

81 (b) appropriations the Legislature makes to the fund; and

82 (c) the interest described in Subsection (3).

83 (3) Interest earned on the fund shall be deposited into the fund.

84 [~~(4) The department may only use money in the fund to fund the department's~~
85 ~~responsibilities under this chapter]~~

86 (4) Money deposited into the fund may only be used by:

87 (a) the department to accomplish the department's responsibilities described in this

88 chapter; and

89 (b) the Center for Medical Cannabis Research created in Section 53B-17-1402 to
90 accomplish the Center for Medical Cannabis Research's responsibilities.

91 (5) The department shall set fees authorized under this chapter in amounts that the
92 department anticipates are necessary, in total, to cover the department's cost to implement this
93 chapter.

94 Section 3. Section **26-61a-117** is enacted to read:

95 **26-61a-117. Guidance for treatment with medical cannabis.**

96 The department, in consultation with the Center for Medical Cannabis Research created
97 in Section 53B-17-1402, shall:

98 (1) develop evidence-based guidance for treatment with medical cannabis based on the
99 latest medical research that shall include:

100 (a) for each qualifying condition, a summary of the latest medical research regarding
101 the treatment of the qualifying condition with medical cannabis;

102 (b) risks, contraindications, side effects, and adverse reactions that are associated with
103 medical cannabis use; and

104 (c) potential drug interactions between medical cannabis and medications that have
105 been approved by the United States Food and Drug Administration; and

106 (2) educate recommending medical providers, pharmacy medical providers, medical
107 cannabis cardholders, and the public regarding:

108 (a) the evidence-based guidance for treatment with medical cannabis described in
109 Subsection (1)(a);

110 (b) relevant warnings and safety information related to medical cannabis use; and

111 (c) other topics related to medical cannabis use as determined by the department.

112 Section 4. Section **26-61a-703** is amended to read:

113 **26-61a-703. Report.**

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

116 (a) the number of applications and renewal applications filed for medical cannabis
117 cards;

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

- 119 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 120 (d) the age and county of residence of cardholders;
- 121 (e) the number of medical cannabis cards revoked;
- 122 (f) the number of practitioners providing recommendations for qualifying patients;
- 123 (g) the number of license applications and renewal license applications received;
- 124 (h) the number of licenses the department has issued in each county;
- 125 (i) the number of licenses the department has revoked;
- 126 (j) the quantity of medical cannabis shipments that the state central patient portal
- 127 facilitates;
- 128 (k) the number of overall purchases of medical cannabis and medical cannabis products
- 129 from each medical cannabis pharmacy;
- 130 (l) the expenses incurred and revenues generated from the medical cannabis program;
- 131 and
- 132 (m) an analysis of product availability in medical cannabis pharmacies.

133 (2) The report shall include information provided by the Center for Medical Cannabis
 134 Research described in Section 53B-17-1402.

135 ~~[(2)]~~ (3) The department may not include personally identifying information in the
 136 report described in this section.

137 ~~[(3)]~~ (4) During the 2022 legislative interim, the department shall report to the working
 138 group described in Section 36-12-8.2 as requested by the working group.

139 Section 5. Section 53B-17-1401 is enacted to read:

140 **CHAPTER 17. UNIVERSITY OF UTAH**

141 **Part 14. Center for Medical Cannabis Research**

142 **53B-17-1401. Definitions.**

143 As used in this part:

144 (1) "Academic research cannabis license" means the license described in Title 4,
 145 Chapter 41a, Part 9, Academic Medical Cannabis Research.

146 (2) "Cannabis" means the same as that term is defined in Section 26-61a-102.

147 (3) "Cannabis cultivation facility" means the same as that term is defined in Section
 148 4-41a-102.

149 (4) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

150 (5) "Center" means the Center for the Medical Cannabis Research created in Section
151 [53B-17-1402.](#)

152 (6) "Eligible institution" means an institution of higher education that:

153 (a) is located in Utah; and

154 (b) has or will obtain an academic research cannabis license.

155 (7) "Medical cannabis patient card" means the same as that term is defined in Section
156 [26-61a-102.](#)

157 Section 6. Section **53B-17-1402** is enacted to read:

158 **53B-17-1402. Center creation -- Duties.**

159 (1) There is created the Center for Medical Cannabis Research within the University of
160 [Utah.](#)

161 (2) The center:

162 (a) shall seek state, federal, and private funds to award grants for medical cannabis
163 [research;](#)

164 (b) shall facilitate and support funding for research related to the health effects,
165 [including the potential risks or side effects, of the use of cannabis products;](#)

166 (c) shall facilitate and support funding for research related to the efficacy and potential
167 [health effects of various cannabis delivery methods, including vaporizing, ingesting, topical](#)
168 [application, and combustion;](#)

169 (d) shall support researchers in applying for and securing federal and private research
170 [grant funding for expanding medical cannabis research;](#)

171 (e) shall review current and future cannabis research literature, clinical studies, and
172 [clinical trials;](#)

173 (f) shall educate medical providers, lawmakers, and the public about medical cannabis
174 [research advances;](#)

175 (g) shall, if requested, consult with researchers and eligible institutions seeking to
176 [conduct medical cannabis research regarding legal implications of the research under state and](#)
177 [federal law;](#)

178 (h) shall monitor, to the extent that appropriate and sufficient data are available, patient
179 [outcomes in any state with a medicinal cannabis program;](#)

180 (i) may coordinate, share knowledge, and share best practices with a state:

- 181 (i) that has a medical cannabis program; and
182 (ii) is conducting cannabis research;
183 (j) may award or facilitate funding for grants to an eligible institution for medical
184 cannabis research, including research regarding the growing of a medical-grade cannabis plant
185 that is used for a cannabis product;
186 (k) shall support a licensed cannabis cultivation facility to provide medical-grade
187 cannabis products for research;
188 (l) shall make, for research conducted by the center, the research outcomes publicly
189 available;
190 (m) shall maintain a catalog of all published scientific reports based on projects funded
191 or managed by the center;
192 (n) shall ensure that an individual who agrees to use a cannabis product as part of a
193 research project conducted by the center or a grantee has:
194 (i) a valid medical cannabis patient card from the state; or
195 (ii) if included in the research project as a resident of another state, the equivalent of a
196 medical cannabis patient card under the laws of another state, district, territory,
197 commonwealth, or insular possession of the United States;
198 (o) shall obtain an academic research cannabis license;
199 (p) may apply for, or assist an eligible institution to apply for, a federal cannabis
200 cultivation registration to locate a cannabis cultivation site in Utah; and
201 (q) for the report described in Section [26-61a-703](#), shall provide information to the
202 Department of Health and Human Services describing:
203 (i) all research projects that are funded by a grant awarded by the center, including
204 which institution received the grant; and
205 (ii) all research projects conducted by the center.
206 (3) For research funded, conducted, or facilitated by the center, the center shall ensure
207 the research:
208 (a) includes appropriate research development, testing, and evaluation; and
209 (b) if the research involves human subjects, is reviewed, approved, and overseen by an
210 institutional review board as defined in Section [26-61-102](#).
211 (4) The University of Utah shall provide staff for the center.