

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **4-41a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452
- 32 **4-41a-105**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 33 **4-41a-201**, as last amended by Laws of Utah 2022, Chapter 290
- 34 **4-41a-404**, as last amended by Laws of Utah 2020, Chapter 12
- 35 **4-41a-802**, as last amended by Laws of Utah 2022, Chapter 97
- 36 **10-9a-528**, as last amended by Laws of Utah 2021, Chapter 60
- 37 **17-27a-525**, as last amended by Laws of Utah 2021, Chapter 60
- 38 **26-61a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452
- 39 **26-61a-103**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 40 **26-61a-105**, as last amended by Laws of Utah 2022, Chapter 452
- 41 **26-61a-106**, as last amended by Laws of Utah 2022, Chapters 415, 452
- 42 **26-61a-109**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 43 **26-61a-201**, as last amended by Laws of Utah 2022, Chapters 198, 290 and 452
- 44 **26-61a-403**, as last amended by Laws of Utah 2022, Chapters 415, 452
- 45 **26-61a-601**, as last amended by Laws of Utah 2021, Chapter 337
- 46 **26-61a-602**, as last amended by Laws of Utah 2020, Chapter 354
- 47 **26-61a-701**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 48 **26-61a-703**, as last amended by Laws of Utah 2022, Chapter 97
- 49 **36-12-8.2**, as enacted by Laws of Utah 2022, Chapter 97
- 50 **58-17b-302**, as last amended by Laws of Utah 2022, Chapter 353
- 51 **58-17b-502**, as last amended by Laws of Utah 2022, Chapter 465
- 52 **58-37-3.8**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 53 **63I-2-236**, as last amended by Laws of Utah 2022, Chapters 97, 141, 363, 437, and 458
- 54 **78A-2-231**, as last amended by Laws of Utah 2022, Chapter 256
- 55 **80-3-110**, as last amended by Laws of Utah 2022, Chapter 256
- 56 **80-4-109**, as enacted by Laws of Utah 2021, Chapter 261

57 ENACTS:

- 58 **4-41a-110**, Utah Code Annotated 1953

59 **4-41a-1201**, Utah Code Annotated 1953
60 **26-61a-206**, Utah Code Annotated 1953
61 **26-61a-801**, Utah Code Annotated 1953
62 **26-61a-802**, Utah Code Annotated 1953
63 **26-61a-803**, Utah Code Annotated 1953
64 RENUMBERS AND AMENDS:
65 **4-41a-108**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,
66 Chapter 12)
67 **4-41a-109**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter
68 452)
69 **4-41a-801.1**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,
70 Chapter 452)
71 **4-41a-1001**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,
72 Chapter 290)
73 **4-41a-1002**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,
74 First Special Session, Chapter 5)
75 **4-41a-1003**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,
76 Chapters 290, 415)
77 **4-41a-1004**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,
78 First Special Session, Chapter 5)
79 **4-41a-1005**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,
80 Chapter 290)
81 **4-41a-1101**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,
82 Chapters 290, 415)
83 **4-41a-1102**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,
84 Chapter 290)
85 **4-41a-1103**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,
86 Chapter 350)
87 **4-41a-1104**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,
88 Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter
89 290)

90 4-41a-1105, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,
91 Chapter 12)

92 4-41a-1106, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,
93 Chapters 290, 415)

94 4-41a-1107, (Renumbered from 26-61a-402, as renumbered and amended by Laws of
95 Utah 2018, Third Special Session, Chapter 1)

96 4-41a-1202, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,
97 Chapters 290, 452)

98 4-41a-1203, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,
99 Chapter 415)

100 4-41a-1204, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,
101 Chapters 290, 415)

102 4-41a-1205, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,
103 Chapter 452)

104 26-61a-404, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,
105 Chapter 415)

106 REPEALS:

107 26-61a-108, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

108 26-61a-506, as last amended by Laws of Utah 2022, Chapter 415



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

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

112 **CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS AND**
113 **PHARMACIES**

114 **4-41a-102. Definitions.**

115 As used in this chapter:

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

118 (a) pesticides;

119 (b) heavy metals;

120 (c) solvents;

- 121 (d) microbial life;
122 (e) toxins; or
123 (f) foreign matter.

124 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
125 Section 26-61a-801.

126 [~~2~~] (3) "Cannabis Research Review Board" means the Cannabis Research Review
127 Board created in Section 26-61-201.

128 [~~3~~] (4) "Cannabis" means the same as that term is defined in Section 26-61a-102.

129 [~~4~~] (5) "Cannabis concentrate" means:

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

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

134 [~~5~~] (6) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is
135 not intended to be sold as a cannabis plant product.

136 [~~6~~] (7) "Cannabis cultivation facility" means a person that:

137 (a) possesses cannabis;

138 (b) grows or intends to grow cannabis; and

139 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
140 processing facility, or a medical cannabis research licensee.

141 [~~7~~] (8) "Cannabis cultivation facility agent" means an individual who:

142 (a) is an employee of a cannabis cultivation facility; and

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

144 [~~8~~] (9) "Cannabis derivative product" means a product made using cannabis
145 concentrate.

146 [~~9~~] (10) "Cannabis plant product" means any portion of a cannabis plant intended to
147 be sold in a form that is recognizable as a portion of a cannabis plant.

148 [~~10~~] (11) "Cannabis processing facility" means a person that:

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

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

151 (c) manufactures or intends to manufacture a cannabis product from unprocessed

152 cannabis or a cannabis extract; and

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

155 ~~[(11)]~~ (12) "Cannabis processing facility agent" means an individual who:

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

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

158 ~~[(12)]~~ (13) "Cannabis product" means the same as that term is defined in Section
159 [26-61a-102](#).

160 ~~[(13)]~~ (14) "Cannabis production establishment" means a cannabis cultivation facility,
161 a cannabis processing facility, or an independent cannabis testing laboratory.

162 ~~[(14)]~~ (15) "Cannabis production establishment agent" means a cannabis cultivation
163 facility agent, a cannabis processing facility agent, or an independent cannabis testing
164 laboratory agent.

165 ~~[(15)]~~ (16) "Cannabis production establishment agent registration card" means a
166 registration card that the department issues that:

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

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

170 ~~[(16)]~~ (17) "Community location" means a public or private elementary or secondary
171 school, a church, a public library, a public playground, or a public park.

172 ~~[(17)]~~ (18) "Cultivation space" means, quantified in square feet, the horizontal area in
173 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
174 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above
175 other plants in multiple levels.

176 ~~[(18)]~~ (19) "Department" means the Department of Agriculture and Food.

177 ~~[(19)]~~ (20) "Derivative cannabinoid" means any cannabinoid that has been intentionally
178 created using a process to convert a naturally occurring cannabinoid into another cannabinoid.

179 ~~[(20)]~~ (21) "Family member" means a parent, step-parent, spouse, child, sibling,
180 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
181 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

182 (22) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy

183 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
184 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
185 state central patient portal facilitates.

186 ~~[(21)]~~ (23) (a) "Independent cannabis testing laboratory" means a person that:

187 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or

188 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
189 conduct a chemical or other analysis of the cannabis or cannabis product.

190 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
191 or a research university operates in accordance with Subsection 4-41a-201(14).

192 ~~[(22)]~~ (24) "Independent cannabis testing laboratory agent" means an individual who:

193 (a) is an employee of an independent cannabis testing laboratory; and

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

195 ~~[(23)]~~ (25) "Industrial hemp waste" means:

196 (a) a cannabinoid concentrate; or

197 (b) industrial hemp biomass.

198 ~~[(24)]~~ (26) "Inventory control system" means a system described in Section 4-41a-103.

199 ~~[(25)]~~ (27) "Licensing board" or "board" means the Cannabis Production Establishment
200 Licensing Advisory Board created in Section 4-41a-201.1.

201 ~~[(26)]~~ (28) "Medical cannabis" means the same as that term is defined in Section
202 26-61a-102.

203 ~~[(27)]~~ (29) "Medical cannabis card" means the same as that term is defined in Section
204 26-61a-102.

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

206 (a) the department licenses in accordance with Section 4-41a-1201; and

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

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

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

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

212 ~~[(28)]~~ (32) "Medical cannabis pharmacy" means the same as that term is defined in
213 Section 26-61a-102.

214 ~~[(29)]~~ (33) "Medical cannabis pharmacy agent" means the same as that term is defined
215 in Section [26-61a-102](#).

216 ~~[(30)]~~ (34) "Medical cannabis research license" means a license that the department
217 issues to a research university for the purpose of obtaining and possessing medical cannabis for
218 academic research.

219 ~~[(31)]~~ (35) "Medical cannabis research licensee" means a research university that the
220 department licenses to obtain and possess medical cannabis for academic research, in
221 accordance with Section [4-41a-901](#).

222 (36) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
223 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
224 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
225 cannabis order that the state central patient portal facilitates.

226 ~~[(32)]~~ (37) "Medical cannabis treatment" means the same as that term is defined in
227 Section [26-61a-102](#).

228 ~~[(33)]~~ (38) "Medicinal dosage form" means the same as that term is defined in Section
229 [26-61a-102](#).

230 (39) "Pharmacy medical provider" means the same as that term is defined in Section
231 [26-61a-102](#).

232 ~~[(34)]~~ (40) "Qualified medical provider" means the same as that term is defined in
233 Section [26-61a-102](#).

234 ~~[(35)]~~ (41) "Qualified Production Enterprise Fund" means the fund created in Section
235 [4-41a-104](#).

236 ~~[(36)]~~ (42) "Recommending medical provider" means the same as that term is defined
237 in Section [26-61a-102](#).

238 ~~[(37)]~~ (43) "Research university" means the same as that term is defined in Section
239 [53B-7-702](#) and a private, nonprofit college or university in the state that:

- 240 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 241 (b) grants doctoral degrees; and
- 242 (c) has a laboratory containing or a program researching a schedule I controlled
243 substance described in Section [58-37-4](#).

244 ~~[(38)]~~ (44) "State electronic verification system" means the system described in Section

245 26-61a-103.

246 [(39)] (45) "Synthetic cannabinoid" means any cannabinoid that:

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

249 (b) is not a derivative cannabinoid.

250 [(40)] (46) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
251 Section 4-41-102.

252 [(41)] (47) "THC analog" means the same as that term is defined in Section 4-41-102.

253 [(42)] (48) "Total composite tetrahydrocannabinol" means all detectable forms of
254 tetrahydrocannabinol.

255 [(43)] (49) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
256 defined in Section 4-41-102.

257 Section 2. Section 4-41a-105 is amended to read:

258 **4-41a-105. Agreement with a tribe.**

259 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
260 band.

261 (2) (a) In accordance with this section, the governor may enter into an agreement with a
262 tribe to allow for the operation of a cannabis production establishment or a medical cannabis
263 pharmacy on tribal land located within the state.

264 (b) An agreement described in Subsection (2)(a) may not exempt any person from the
265 requirements of this chapter.

266 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

267 (i) is in writing;

268 (ii) is signed by:

269 (A) the governor; and

270 (B) the governing body of the tribe that the tribe designates and has the authority to
271 bind the tribe to the terms of the agreement;

272 (iii) states the effective date of the agreement;

273 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
274 becomes inconsistent with a state statute; and

275 (v) includes any accommodation that the tribe makes:

276 (A) to which the tribe agrees; and
277 (B) that is reasonably related to the agreement.

278 (d) Before executing an agreement under this Subsection (2), the governor shall consult
279 with the department.

280 (e) At least 30 days before the execution of an agreement described in this Subsection
281 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
282 in which the agreement will be executed to:

283 (i) the chairs of the Native American Legislative Liaison Committee; and

284 (ii) the Office of Legislative Research and General Counsel.

285 Section 3. Section ~~4-41a-108~~, which is renumbered from Section 26-61a-603 is
286 renumbered and amended to read:

287 ~~[26-61a-603]~~. **4-41a-108. Payment provider for electronic medical cannabis**
288 **transactions.**

289 (1) A cannabis production establishment, a medical cannabis pharmacy, or a
290 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall
291 submit to the Division of Finance and the state treasurer information regarding the payment
292 provider the prospective licensee will use to conduct financial transactions related to medical
293 cannabis, including:

294 (a) the name and contact information of the payment provider;

295 (b) the nature of the relationship between the establishment, pharmacy, or prospective
296 pharmacy and the payment provider; and

297 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
298 prospective licensee and the payment provider have in place to safely and reliably conduct
299 financial transactions for medical cannabis shipments.

300 (2) The Division of Finance shall, in consultation with the state treasurer:

301 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
302 make rules to establish standards for identifying payment providers that demonstrate the
303 functional and technical ability to safely conduct financial transactions related to medical
304 cannabis, including medical cannabis shipments;

305 (b) review submissions the Division of Finance and the state treasurer receive under
306 Subsection (1);

307 (c) approve a payment provider that meets the standards described in Subsection (2)(a);
308 and

309 (d) establish a list of approved payment providers.

310 (3) Any licensed cannabis production establishment, licensed medical cannabis
311 pharmacy, or medical cannabis courier may use a payment provider that the Division of
312 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
313 establishment's, pharmacy's, or courier's respective medical cannabis business.

314 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
315 payments through or deposit funds in a financial institution, a cannabis production
316 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
317 funds in a financial institution in addition to or instead of a payment provider that the Division
318 of Finance approves, in consultation with the state treasurer, under this section.

319 Section 4. Section ~~4-41a-109~~, which is renumbered from Section 26-61a-116 is
320 renumbered and amended to read:

321 ~~[26-61a-116].~~ **4-41a-109. Advertising.**

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

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

326 (a) using promotional discounts or incentives;

327 (b) a particular medical cannabis product, medical cannabis device, or medicinal
328 dosage form; or

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

330 (3) Notwithstanding Subsection (1):

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

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

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

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

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

344 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom;"^[;] and

345 (b) may not include:

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

348 (ii) an emphasis on a psychoactive ingredient;

349 (iii) a specific cannabis strain; or

350 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"
351 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"
352 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"
353 "bong," "budtender," "dab," "blaze," "toke," or "420."

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

357 Section 5. Section **4-41a-110** is enacted to read:

358 **4-41a-110. Department coordination with the advisory board.**

359 The department shall:

360 (1) provide draft rules made under this chapter to the advisory board for the advisory
361 board's review;

362 (2) consult with the advisory board before issuing an additional:

363 (a) cultivation facility license under Section [4-41a-205](#); or

364 (b) pharmacy license under Section [4-41a-1005](#);

365 (3) consult with the advisory board regarding fees set by the department that pertain to
366 the medical cannabis program; and

367 (4) when appropriate, consult with the advisory board regarding issues that arise in the
368 medical cannabis program.

369 Section 6. Section **4-41a-201** is amended to read:

370 **4-41a-201. Cannabis production establishment -- License.**

371 (1) Except as provided in Subsection (14), a person may not operate a cannabis
372 production establishment without a license that the department issues under this chapter.

373 (2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section [4-41a-205](#), for a
374 licensing process that the department initiates after March 17, 2021, the department, through
375 the licensing board, shall issue licenses in accordance with Section [4-41a-201.1](#).

376 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
377 department shall make rules to specify a transparent and efficient process to:

378 (A) solicit applications for a license under this section;

379 (B) allow for comments and questions in the development of applications;

380 (C) timely and objectively evaluate applications;

381 (D) hold public hearings that the department deems appropriate; and

382 (E) select applicants to receive a license.

383 (iii) The department may not issue a license to operate a cannabis production
384 establishment to an applicant who is not eligible for a license under this section.

385 (b) An applicant is eligible for a license under this section if the applicant submits to
386 the licensing board:

387 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
388 cultivation facility, addresses of no more than two facility locations, located in a zone described
389 in Subsection [4-41a-406\(2\)\(a\)](#) or (b), where the applicant will operate the cannabis production
390 establishment;

391 (ii) the name and address of any individual who has:

392 (A) for a publicly traded company, a financial or voting interest of 2% or greater in the
393 proposed cannabis production establishment;

394 (B) for a privately held company, a financial or voting interest in the proposed cannabis
395 production establishment; or

396 (C) the power to direct or cause the management or control of a proposed cannabis
397 production establishment;

398 (iii) an operating plan that:

399 (A) complies with Section [4-41a-204](#);

400 (B) includes operating procedures that comply with this chapter and any law the
401 municipality or county in which the person is located adopts that is consistent with Section
402 4-41a-406; and

403 (C) the department or licensing board approves;

404 (iv) a statement that the applicant will obtain and maintain a performance bond that a
405 surety authorized to transact surety business in the state issues in an amount of at least:

406 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies; or

407 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
408 laboratory for which the applicant applies;

409 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
410 department sets in accordance with Section 63J-1-504; and

411 (vi) a description of any investigation or adverse action taken by any licensing
412 jurisdiction, government agency, law enforcement agency, or court in any state for any
413 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
414 or businesses.

415 (c) (i) A person may not locate a cannabis production establishment:

416 (A) within 1,000 feet of a community location; or

417 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
418 as primarily residential.

419 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
420 from the nearest entrance to the cannabis production establishment by following the shortest
421 route of ordinary pedestrian travel to the property boundary of the community location or
422 residential area.

423 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
424 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not reasonably
425 feasible for the applicant to site the proposed cannabis production establishment without the
426 waiver.

427 (iv) An applicant for a license under this section shall provide evidence of compliance
428 with the proximity requirements described in Subsection (2)(c)(i).

429 (3) If the licensing board approves an application for a license under this section and
430 Section 4-41a-201.1:

- 431 (a) the applicant shall pay the department:
- 432 (i) an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the
433 department sets in accordance with Section 63J-1-504; or
- 434 (ii) a fee for a 120-day limited license to operate as a cannabis processing facility
435 described in Subsection (3)(b) that is equal to 33% of the initial license fee described in
436 Subsection (3)(a)(i); and
- 437 (b) the department shall notify the Department of Public Safety of the license approval
438 and the names of each individual described in Subsection (2)(b)(ii).
- 439 (4) (a) Except as provided in Subsection (4)(b), a cannabis production establishment
440 shall obtain a separate license for each type of cannabis production establishment and each
441 location of a cannabis production establishment.
- 442 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
443 processing facility license to a person to operate at the same physical location or at separate
444 physical locations.
- 445 (5) If the licensing board receives more than one application for a cannabis production
446 establishment within the same city or town, the licensing board shall consult with the local land
447 use authority before approving any of the applications pertaining to that city or town.
- 448 (6) The licensing board may not issue a license to operate an independent cannabis
449 testing laboratory to a person who:
- 450 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
451 cannabis processing facility, or a cannabis cultivation facility;
- 452 (b) has an owner, officer, director, or employee whose family member holds a license
453 or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or
454 a cannabis cultivation facility; or
- 455 (c) proposes to operate the independent cannabis testing laboratory at the same physical
456 location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis
457 cultivation facility.
- 458 (7) The licensing board may not issue a license to operate a cannabis production
459 establishment to an applicant if any individual described in Subsection (2)(b)(ii):
- 460 (a) has been convicted under state or federal law of:
- 461 (i) a felony; or

- 462 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 463 (b) is younger than 21 years old; or
- 464 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 465 (8) (a) If an applicant for a cannabis production establishment license under this
- 466 section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing
- 467 board may not give preference to the applicant based on the applicant's status as a holder of the
- 468 license.
- 469 (b) If an applicant for a license to operate a cannabis cultivation facility under this
- 470 section holds a license to operate a medical cannabis pharmacy under [~~Title 26, Chapter 61a,~~
- 471 ~~Utah Medical Cannabis Act~~] this title, the licensing board[~~:(i) shall consult with the~~
- 472 ~~Department of Health regarding the applicant; and(ii)] may give consideration to the applicant~~
- 473 based on the applicant's status as a holder of a medical cannabis pharmacy license if:
- 474 [~~(A)~~] (i) the applicant demonstrates that a decrease in costs to patients is more likely to
- 475 result from the applicant's vertical integration than from a more competitive marketplace; and
- 476 [~~(B)~~] (ii) the licensing board finds multiple other factors, in addition to the existing
- 477 license, that support granting the new license.
- 478 (9) The licensing board may revoke a license under this part:
- 479 (a) if the cannabis production establishment does not begin cannabis production
- 480 operations within one year after the day on which the licensing board issues the initial license;
- 481 (b) after the third of the same violation of this chapter in any of the licensee's licensed
- 482 cannabis production establishments or medical cannabis pharmacies;
- 483 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
- 484 active, under state or federal law of:
- 485 (i) a felony; or
- 486 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 487 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 488 the time of application, or fails to supplement the information described in Subsection
- 489 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
- 490 application within 14 calendar days after the licensee receives notice of the investigation or
- 491 adverse action;
- 492 (e) if the cannabis production establishment demonstrates a willful or reckless

493 disregard for the requirements of this chapter or the rules the department makes in accordance
494 with this chapter;

495 (f) if, after a change of ownership described in Subsection (15)(b), the board
496 determines that the cannabis production establishment no longer meets the minimum standards
497 for licensure and operation of the cannabis production establishment described in this chapter;
498 or

499 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
500 laboratory fails to substantially meet the performance standards described in Subsection
501 (14)(b).

502 (10) (a) A person who receives a cannabis production establishment license under this
503 chapter, if the municipality or county where the licensed cannabis production establishment
504 will be located requires a local land use permit, shall submit to the licensing board a copy of
505 the licensee's approved application for the land use permit within 120 days after the day on
506 which the licensing board issues the license.

507 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
508 land use permit application in accordance with Subsection (10)(a), the licensing board may
509 revoke the licensee's license.

510 (11) The department shall deposit the proceeds of a fee that the department imposes
511 under this section into the Qualified Production Enterprise Fund.

512 (12) The department shall begin accepting applications under this part on or before
513 January 1, 2020.

514 (13) (a) The department's authority, and consequently the licensing board's authority, to
515 issue a license under this section is plenary and is not subject to review.

516 (b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a
517 license to an applicant is not subject to:

518 (i) Title 63G, Chapter 6a, Part 16, Protests; or

519 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

520 (14) (a) Notwithstanding this section, the department:

521 (i) may not issue more than four licenses to operate an independent cannabis testing
522 laboratory;

523 (ii) may operate or partner with a research university to operate an independent

524 cannabis testing laboratory;

525 (iii) if the department operates or partners with a research university to operate an
526 independent cannabis testing laboratory, may not cease operating or partnering with a research
527 university to operate the independent cannabis testing laboratory unless:

528 (A) the department issues at least two licenses to independent cannabis testing
529 laboratories; and

530 (B) the department has ensured that the licensed independent cannabis testing
531 laboratories have sufficient capacity to provide the testing necessary to support the state's
532 medical cannabis market; and

533 (iv) after ceasing department or research university operations under Subsection
534 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

535 (A) fewer than two licensed independent cannabis testing laboratories are operating; or

536 (B) the licensed independent cannabis testing laboratories become, in the department's
537 determination, unable to fully meet the market demand for testing.

538 (b) (i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
539 Administrative Rulemaking Act, to establish performance standards for the operation of an
540 independent cannabis testing laboratory, including deadlines for testing completion.

541 (ii) A license that the department issues to an independent cannabis testing laboratory
542 is contingent upon substantial satisfaction of the performance standards described in
543 Subsection (14)(b)(i), as determined by the board.

544 (15) (a) A cannabis production establishment license is not transferrable or assignable.

545 (b) If the ownership of a cannabis production establishment changes by 50% or more:

546 (i) the cannabis production establishment shall submit a new application described in
547 Subsection (2)(b), subject to Subsection (2)(c);

548 (ii) within 30 days of the submission of the application, the board shall:

549 (A) conduct the application review described in Section [4-41a-201.1](#); and

550 (B) award a license to the cannabis production establishment for the remainder of the
551 term of the cannabis production establishment's license before the ownership change if the
552 cannabis production establishment meets the minimum standards for licensure and operation of
553 the cannabis production establishment described in this chapter; and

554 (iii) if the board approves the license application, notwithstanding Subsection (3), the

555 cannabis production establishment shall pay a license fee that the department sets in
556 accordance with Section [63J-1-504](#) in an amount that covers the board's cost of conducting the
557 application review.

558 Section 7. Section **4-41a-404** is amended to read:

559 **4-41a-404. Medical cannabis transportation.**

560 (1) (a) [~~Only~~] Except as provided in Part 12, Medical Cannabis Home Delivery and
561 Couriers, the following individuals may transport cannabis or a cannabis product under this
562 chapter:

563 (i) a registered cannabis production establishment agent; [~~or~~]

564 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment
565 that the cardholder is authorized to possess under this chapter[.];

566 (iii) a registered medical cannabis pharmacy agent;

567 (iv) a registered medical cannabis courier agent; and

568 (v) a registered pharmacy medical provider.

569 (b) Only an agent of a cannabis cultivation facility, when the agent is transporting
570 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,
571 may transport unprocessed cannabis outside of a medicinal dosage form.

572 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter
573 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment, an
574 individual transporting cannabis or a cannabis product shall possess a transportation manifest
575 that:

576 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant
577 inventory control system;

578 (b) includes origin and destination information for any cannabis or cannabis product
579 that the individual is transporting; and

580 (c) identifies the departure and arrival times and locations of the individual
581 transporting the cannabis or cannabis product.

582 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
583 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
584 Act, requirements for transporting cannabis or cannabis product to ensure that the cannabis or
585 cannabis product remains safe for human consumption.

586 (b) The transportation described in Subsection (3)(a) is limited to transportation:
 587 (i) between a cannabis production establishment and another cannabis production
 588 establishment; and
 589 (ii) between a cannabis processing facility and a medical cannabis pharmacy.
 590 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a
 591 transport described in this section with a manifest that does not meet the requirements of this
 592 section.

593 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:
 594 (i) guilty of an infraction; and
 595 (ii) subject to a \$100 fine.

596 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
 597 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 598 underlying the violation described in Subsection (4)(b).

599 (d) If the agent described in Subsection (4)(a) is transporting more cannabis or
 600 cannabis product than the manifest identifies, except for a de minimis administrative error:
 601 (i) the penalty described in Subsection (4)(b) does not apply; and
 602 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled
 603 Substances Act.

604 (5) Nothing in this section prevents the department from taking administrative
 605 enforcement action against a cannabis production establishment, medical cannabis pharmacy,
 606 medical cannabis courier, or another person for failing to make a transport in compliance with
 607 the requirements of this section.

608 (6) An individual other than an individual described in Subsection (1) may transport a
 609 medical cannabis device within the state if the transport does not also contain medical
 610 cannabis.

611 Section 8. Section **4-41a-801.1**, which is renumbered from Section 26-61a-702 is
 612 renumbered and amended to read:

613 ~~[26-61a-702]~~. **4-41a-801.1. Enforcement for medical cannabis pharmacies**
 614 **and couriers -- Fine -- Citation.**

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

617 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;
618 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
619 license; or

620 (iii) assess the medical cannabis pharmacy or medical cannabis courier an
621 administrative penalty.

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

624 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
625 registration card;

626 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
627 agent registration card; or

628 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
629 administrative penalty.

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

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

634 (a) for a fine amount not already specified in law, assess the person a fine of up to
635 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
636 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

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

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

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

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

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

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

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

- 652 (i) guilty of an infraction; and
- 653 (ii) subject to a \$100 fine.

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

657 Section 9. Section **4-41a-802** is amended to read:

658 **4-41a-802. Report.**

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

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

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

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

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

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

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

669 Section **4-41a-201**, including:

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

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

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

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

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

677 Section 10. Section **4-41a-1001**, which is renumbered from Section 26-61a-301 is
678 renumbered and amended to read:

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Part 10. Medical Cannabis Pharmacy License

~~[26-61a-301].~~ 4-41a-1001. Medical cannabis pharmacy -- License --

Eligibility.

(1) A person may not operate as a medical cannabis pharmacy without a license that the department issues under this part.

(2) (a) (i) Subject to Subsections (4) and (5) and to Section ~~[26-61a-305]~~ 4-41a-1005, the department shall issue a license to operate a medical cannabis pharmacy in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

(ii) The department may not issue a license to operate a medical cannabis pharmacy to an applicant who is not eligible for a license under this section.

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

(i) subject to Subsection (2)(c), a proposed name and address where the applicant will operate the medical cannabis pharmacy;

(ii) the name and address of an individual who:

(A) for a publicly traded company, has a financial or voting interest of 2% or greater in the proposed medical cannabis pharmacy;

(B) for a privately held company, a financial or voting interest in the proposed medical cannabis pharmacy; or

(C) has the power to direct or cause the management or control of a proposed medical cannabis pharmacy;

(iii) a statement that the applicant will obtain and maintain a performance bond that a surety authorized to transact surety business in the state issues in an amount of at least \$100,000 for each application that the applicant submits to the department;

(iv) an operating plan that:

(A) complies with Section ~~[26-61a-304]~~ 4-41a-1004;

(B) includes operating procedures to comply with the operating requirements for a medical cannabis pharmacy described in this chapter and with a relevant municipal or county law that is consistent with Section ~~[26-61a-507]~~ 4-41a-1106; and

(C) the department approves;

(v) an application fee in an amount that, subject to Subsection ~~[26-61a-109(5)]~~

710 [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

711 (vi) a description of any investigation or adverse action taken by any licensing
712 jurisdiction, government agency, law enforcement agency, or court in any state for any
713 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
714 or businesses.

715 (c) (i) A person may not locate a medical cannabis pharmacy:

716 (A) within 200 feet of a community location; or

717 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
718 as primarily residential.

719 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
720 from the nearest entrance to the medical cannabis pharmacy establishment by following the
721 shortest route of ordinary pedestrian travel to the property boundary of the community location
722 or residential area.

723 (iii) The department may grant a waiver to reduce the proximity requirements in
724 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
725 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

726 (iv) An applicant for a license under this section shall provide evidence of compliance
727 with the proximity requirements described in Subsection (2)(c)(i).

728 (d) The department may not issue a license to an eligible applicant that the department
729 has selected to receive a license until the selected eligible applicant obtains the performance
730 bond described in Subsection (2)(b)(iii).

731 (e) If the department receives more than one application for a medical cannabis
732 pharmacy within the same city or town, the department shall consult with the local land use
733 authority before approving any of the applications pertaining to that city or town.

734 (3) If the department selects an applicant for a medical cannabis pharmacy license
735 under this section, the department shall:

736 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
737 [~~26-61a-109(5)~~] [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#);

738 (b) notify the Department of Public Safety of the license approval and the names of
739 each individual described in Subsection (2)(b)(ii); and

740 (c) charge the licensee a fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]

741 [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#), for any change in
742 location, ownership, or company structure.

743 (4) The department may not issue a license to operate a medical cannabis pharmacy to
744 an applicant if an individual described in Subsection (2)(b)(ii):

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

746 (i) a felony; or

747 (ii) after December 3, 2018, a misdemeanor for drug distribution;

748 (b) is younger than 21 years old; or

749 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

750 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
751 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
752 preference to the applicant based on the applicant's status as a holder of the license.

753 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
754 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
755 Production Establishments, the department:

756 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
757 and

758 (ii) may give consideration to the applicant based on the applicant's status as a holder
759 of a license to operate a cannabis cultivation facility if:

760 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
761 result from the applicant's vertical integration than from a more competitive marketplace; and

762 (B) the department finds multiple other factors, in addition to the existing license, that
763 support granting the new license.

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

765 (i) if the medical cannabis pharmacy does not begin operations within one year after
766 the day on which the department issues an announcement of the department's intent to award a
767 license to the medical cannabis pharmacy;

768 (ii) after the third the same violation of this chapter in any of the licensee's licensed
769 cannabis production establishments or medical cannabis pharmacies;

770 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
771 active, under state or federal law of:

772 (A) a felony; or
773 (B) after December 3, 2018, a misdemeanor for drug distribution;
774 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
775 the time of application, or fails to supplement the information described in Subsection
776 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
777 application within 14 calendar days after the licensee receives notice of the investigation or
778 adverse action;

779 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
780 the requirements of this chapter or the rules the department makes in accordance with this
781 chapter; or

782 (vi) if, after a change of ownership described in Subsection (11)(c), the department
783 determines that the medical cannabis pharmacy no longer meets the minimum standards for
784 licensure and operation of the medical cannabis pharmacy described in this chapter.

785 (b) The department shall rescind a notice of an intent to issue a license under this part
786 to an applicant or revoke a license issued under this part if the associated medical cannabis
787 pharmacy does not begin operation on or before June 1, 2021.

788 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
789 if the municipality or county where the licensed medical cannabis pharmacy will be located
790 requires a local land use permit, shall submit to the department a copy of the licensee's
791 approved application for the land use permit within 120 days after the day on which the
792 department issues the license.

793 (b) If a licensee fails to submit to the department a copy the licensee's approved land
794 use permit application in accordance with Subsection (7)(a), the department may revoke the
795 licensee's license.

796 (8) The department shall deposit the proceeds of a fee imposed by this section into the
797 Qualified [~~Patient~~] Production Enterprise Fund.

798 (9) The department shall begin accepting applications under this part on or before
799 March 1, 2020.

800 (10) (a) The department's authority to issue a license under this section is plenary and is
801 not subject to review.

802 (b) Notwithstanding Subsection (2), the decision of the department to award a license

803 to an applicant is not subject to:

804 (i) Title 63G, Chapter 6a, Part 16, Protests; or

805 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

806 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

807 (b) A medical cannabis pharmacy shall report in writing to the department no later than
808 10 business days before the date of any change of ownership of the medical cannabis
809 pharmacy.

810 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

811 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
812 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
813 (2)(c);

814 (ii) within 30 days of the submission of the application, the department shall:

815 (A) conduct an application review; and

816 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
817 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
818 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
819 pharmacy described in this chapter; and

820 (iii) if the department approves the license application, notwithstanding Subsection (3),
821 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
822 with Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application
823 review.

824 Section 11. Section **4-41a-1002**, which is renumbered from Section 26-61a-302 is
825 renumbered and amended to read:

826 ~~[26-61a-302]~~. **4-41a-1002. Medical cannabis pharmacy owners and**
827 **directors -- Criminal background checks.**

828 (1) Each applicant to whom the department issues a notice of intent to award a license
829 to operate as a medical cannabis pharmacy shall submit, before the department may award the
830 license, from each individual who has a financial or voting interest of 2% or greater in the
831 applicant or who has the power to direct or cause the management or control of the applicant:

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

833 (b) a signed waiver in accordance with Subsection [53-10-108](#)(4) acknowledging the

834 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
835 Generation Identification System's Rap Back Service; and
836 (c) consent to a fingerprint background check by:
837 (i) the Bureau of Criminal Identification; and
838 (ii) the Federal Bureau of Investigation.
839 (2) The Bureau of Criminal Identification shall:
840 (a) check the fingerprints the applicant submits under Subsection (1) against the
841 applicable state, regional, and national criminal records databases, including the Federal
842 Bureau of Investigation Next Generation Identification System;
843 (b) report the results of the background check to the department;
844 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
845 for search by future submissions to the local and regional criminal records databases, including
846 latent prints;
847 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
848 Generation Identification System's Rap Back Service for search by future submissions to
849 national criminal records databases, including the Next Generation Identification System and
850 latent prints; and
851 (e) establish a privacy risk mitigation strategy to ensure that the department only
852 receives notifications for an individual with whom the department maintains an authorizing
853 relationship.
854 (3) The department shall:
855 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
856 amount that the department sets in accordance with Section 63J-1-504 for the services that the
857 Bureau of Criminal Identification or another authorized agency provides under this section; and
858 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
859 Identification.

860 Section 12. Section **4-41a-1003**, which is renumbered from Section 26-61a-303 is
861 renumbered and amended to read:

862 ~~[26-61a-303]~~. **4-41a-1003. Renewal.**

863 (1) The department shall renew a license under this part every year if, at the time of
864 renewal:

865 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ 4-41a-1001;

866 (b) the licensee pays the department a license renewal fee in an amount that, subject to
867 Subsection ~~[26-61a-109(5)]~~ 4-41a-1004(5), the department sets in accordance with Section
868 63J-1-504; and

869 (c) if the medical cannabis pharmacy changes the operating plan described in Section
870 ~~[26-61a-304]~~ 4-41a-1004 that the department approved under Subsection
871 ~~[26-61a-301(2)(b)(iv)]~~ 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

872 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
873 pharmacy's license, the department shall publish notice of an available license:

874 (i) in a newspaper of general circulation for the geographic area in which the medical
875 cannabis pharmacy license is available; or

876 (ii) on the Utah Public Notice Website established in Section 63A-16-601.

877 (b) The department may establish criteria, in collaboration with the Division of
878 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
879 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
880 constitute abandonment of a medical cannabis pharmacy license.

881 (3) If the department has not completed the necessary processes to make a
882 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
883 license, the department may issue a conditional medical cannabis pharmacy license to a
884 licensed medical cannabis pharmacy that has applied for license renewal under this section and
885 paid the fee described in Subsection (1)(b).

886 Section 13. Section **4-41a-1004**, which is renumbered from Section 26-61a-304 is
887 renumbered and amended to read:

888 ~~[26-61a-304]~~. **4-41a-1004. Operating plan.**

889 A person applying for a medical cannabis pharmacy license shall submit to the
890 department a proposed operation plan for the medical cannabis pharmacy ~~[that complies with~~
891 ~~this section and]~~ that includes:

892 (1) a description of the physical characteristics of the proposed facility, including a
893 floor plan and an architectural elevation;

894 (2) a description of the credentials and experience of:

895 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

- 896 (b) any highly skilled or experienced prospective employee;
- 897 (3) the medical cannabis pharmacy's employee training standards;
- 898 (4) a security plan;
- 899 (5) a description of the medical cannabis pharmacy's inventory control system,
- 900 including a plan to make the inventory control system compatible with the state electronic
- 901 verification system;
- 902 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
- 903 manner that is sanitary and preserves the integrity of the cannabis; and
- 904 (7) a description of the proposed medical cannabis pharmacy's strategic plan for
- 905 opening the medical cannabis pharmacy, including gauging appropriate timing based on:
- 906 (a) the supply of medical cannabis and medical cannabis products, in consultation with
- 907 the [~~Department of Agriculture and Food~~] department; and
- 908 (b) the quantity and condition of the population of medical cannabis cardholders, in
- 909 consultation with the [~~department~~] Department of Health and Human Services.

910 Section 14. Section **4-41a-1005**, which is renumbered from Section 26-61a-305 is

911 renumbered and amended to read:

912 ~~[26-61a-305]~~. **4-41a-1005. Maximum number of licenses.**

- 913 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of
- 914 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
- 915 accordance with this section.
- 916 (b) If an insufficient number of qualified applicants apply for the available number of
- 917 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy
- 918 license to each qualified applicant.
- 919 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
- 920 with this Subsection (1)(c).
- 921 (i) Using one procurement process, the department may issue eight licenses to an initial
- 922 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
- 923 pharmacies.
- 924 (ii) If the department issues licenses in two phases in accordance with Subsection
- 925 (1)(c)(i), the department shall:
- 926 (A) divide the state into no less than four geographic regions;

927 (B) issue at least one license in each geographic region during each phase of issuing
928 licenses; and

929 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
930 July 1, 2020.

931 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
932 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
933 Carbon, Sevier, Emery, Grand, or San Juan County.

934 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
935 addition to the licenses described in Subsection (1)(a) if the department determines, in
936 consultation with the Department of [~~Agriculture and Food~~] Health and Human Services and
937 after an annual or more frequent analysis of the current and anticipated market for medical
938 cannabis, that each additional license is necessary to provide an adequate supply, quality, or
939 variety of medical cannabis to medical cannabis cardholders.

940 (ii) The department shall:

941 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
942 make rules to establish criteria and processes for the consultation, analysis, and application for
943 a license described in Subsection (1)(d)(i); and

944 (B) report to the Executive Appropriations Committee of the Legislature before each
945 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
946 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
947 criteria described in Subsection (1)(d)(ii)(A).

948 (2) (a) If there are more qualified applicants than there are available licenses for
949 medical cannabis pharmacies, the department shall:

950 (i) evaluate each applicant and award the license to the applicant that best
951 demonstrates:

952 (A) experience with establishing and successfully operating a business that involves
953 complying with a regulatory environment, tracking inventory, and training, evaluating, and
954 monitoring employees;

955 (B) an operating plan that will best ensure the safety and security of patrons and the
956 community;

957 (C) positive connections to the local community;

958 (D) the suitability of the proposed location and the location's accessibility for
959 qualifying patients;
960 (E) the extent to which the applicant can increase efficiency and reduce the cost of
961 medical cannabis for patients; and
962 (F) a strategic plan described in Subsection [~~26-61a-304~~(7)] 4-41a-1004(7) that has a
963 comparatively high likelihood of success; and

964 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
965 maximize access to the largest number of medical cannabis cardholders.

966 (b) In making the evaluation described in Subsection (2)(a), the department may give
967 increased consideration to applicants who indicate a willingness to:

968 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
969 medical cannabis orders that the state central patient portal facilitates; and

970 (ii) accept payments through:

971 (A) a payment provider that the Division of Finance approves, in consultation with the
972 state treasurer, in accordance with Section [~~26-61a-603~~] 4-41a-108; or

973 (B) a financial institution in accordance with Subsection [~~26-61a-603~~(4).]
974 4-41a-108(4).

975 (3) The department may conduct a face-to-face interview with an applicant for a
976 license that the department evaluates under Subsection (2).

977 [~~(4) (a) The department may designate a medical cannabis pharmacy as a home
978 delivery medical cannabis pharmacy if the department determines that the medical cannabis
979 pharmacy's operating plan demonstrates the functional and technical ability to:]~~

980 [~~(i) safely conduct transactions for medical cannabis shipments;]~~

981 [~~(ii) accept electronic medical cannabis orders that the state central patient portal
982 facilitates; and]~~

983 [~~(iii) accept payments through:]~~

984 [~~(A) a payment provider that the Division of Finance approves, in consultation with the
985 state treasurer, in accordance with Section ~~26-61a-603~~; or]~~

986 [~~(B) a financial institution in accordance with Subsection ~~26-61a-603~~(4).]~~

987 [~~(b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
988 shall identify in the applicant's operating plan any information relevant to the department's~~

989 evaluation described in Subsection (4)(a), including:]

990 [(i) the name and contact information of the payment provider;]

991 [(ii) the nature of the relationship between the prospective licensee and the payment
992 provider;]

993 [(iii) the processes of the following to safely and reliably conduct transactions for
994 medical cannabis shipments:]

995 [(A) the prospective licensee; and]

996 [(B) the electronic payment provider or the financial institution described in Subsection
997 (4)(a)(iii); and]

998 [(iv) the ability of the licensee to comply with the department's rules regarding the
999 secure transportation and delivery of medical cannabis or medical cannabis product to a
1000 medical cannabis cardholder.]

1001 [(c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
1002 that the department designates as a home delivery medical cannabis pharmacy may deliver
1003 medical cannabis shipments in accordance with this chapter.]

1004 Section 15. Section ~~4-41a-1101~~, which is renumbered from Section 26-61a-501 is
1005 renumbered and amended to read:

1006 **Part 11. Medical Cannabis Pharmacy Operation and Agents**

1007 ~~[26-61a-501].~~ **4-41a-1101. Operating requirements -- General.**

1008 (1) (a) A medical cannabis pharmacy shall operate:

1009 (i) at the physical address provided to the department under Section ~~[26-61a-301]~~
1010 4-41a-1001; and

1011 (ii) in accordance with the operating plan provided to the department under Section
1012 ~~[26-61a-301]~~ 4-41a-1001 and, if applicable, Section ~~[26-61a-304]~~ 4-41a-1004.

1013 (b) A medical cannabis pharmacy shall notify the department before a change in the
1014 medical cannabis pharmacy's physical address or operating plan.

1015 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

1016 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

1017 (b) except as provided in Subsection (4):

1018 (i) possesses a valid:

1019 (A) medical cannabis pharmacy agent registration card;

- 1020 (B) pharmacy medical provider registration card; or
- 1021 (C) medical cannabis card;
- 1022 (ii) is an employee of the department [~~or the Department of Agriculture and Food~~]
- 1023 performing an inspection under Section [~~26-61a-504~~] [4-41a-1103](#); or
- 1024 (iii) is another individual as the department provides.
- 1025 (3) A medical cannabis pharmacy may not employ an individual who is younger than
- 1026 21 years old.
- 1027 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
- 1028 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
- 1029 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
- 1030 the individual at all times while the individual is at the medical cannabis pharmacy and
- 1031 maintains a record of the individual's access.
- 1032 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 1033 (a) a single, secure public entrance;
- 1034 (b) a security system with a backup power source that:
- 1035 (i) detects and records entry into the medical cannabis pharmacy; and
- 1036 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 1037 cannabis pharmacy is closed; and
- 1038 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 1039 cannabis product.
- 1040 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
- 1041 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1042 [~~26-61a-502(2)~~] [4-41a-1102\(2\)](#).
- 1043 (7) Except for an emergency situation described in Subsection [26-61a-201\(3\)\(c\)](#), a
- 1044 medical cannabis pharmacy may not allow any individual to consume cannabis on the property
- 1045 or premises of the medical cannabis pharmacy.
- 1046 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
- 1047 first indicating on the cannabis or cannabis product label the name of the medical cannabis
- 1048 pharmacy.
- 1049 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 1050 following information regarding each recommendation underlying a transaction:

- 1051 (i) the recommending medical provider's name, address, and telephone number;
1052 (ii) the patient's name and address;
1053 (iii) the date of issuance;
1054 (iv) directions of use and dosing guidelines or an indication that the recommending
1055 medical provider did not recommend specific directions of use or dosing guidelines; and
1056 (v) if the patient did not complete the transaction, the name of the medical cannabis
1057 cardholder who completed the transaction.
- 1058 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
1059 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
1060 container indicating the following minimum information:
- 1061 (A) the name, address, and telephone number of the medical cannabis pharmacy;
1062 (B) the unique identification number that the medical cannabis pharmacy assigns;
1063 (C) the date of the sale;
1064 (D) the name of the patient;
1065 (E) the name of the recommending medical provider who recommended the medical
1066 cannabis treatment;
- 1067 (F) directions for use and cautionary statements, if any;
1068 (G) the amount dispensed and the cannabinoid content;
1069 (H) the suggested use date;
1070 (I) for unprocessed cannabis flower, the legal use termination date; and
1071 (J) any other requirements that the department determines, in consultation with the
1072 Division of Professional Licensing and the Board of Pharmacy.
- 1073 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
1074 following information under Subsection (9)(b)(i) if the information is already provided on the
1075 product label that a cannabis production establishment affixes:
- 1076 (A) a unique identification number;
1077 (B) directions for use and cautionary statements;
1078 (C) amount and cannabinoid content; and
1079 (D) a suggested use date.
- 1080 (iii) If the size of a medical cannabis container does not allow sufficient space to
1081 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis

1082 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
1083 supplemental label attached to the container or an informational enclosure that accompanies the
1084 container:

- 1085 (A) the cannabinoid content;
- 1086 (B) the suggested use date; and
- 1087 (C) any other requirements that the department determines.

1088 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1089 cannabis pharmacy without a label described in Subsection (9)(b)(i).

1090 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1091 (a) upon receipt of an order from a limited medical provider in accordance with
1092 Subsections [26-61a-106\(1\)\(b\)](#) through (d):

1093 (i) for a written order or an electronic order under circumstances that the department
1094 determines, contact the limited medical provider or the limited medical provider's office to
1095 verify the validity of the recommendation; and

1096 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1097 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
1098 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
1099 or renewal, including any associated directions of use, dosing guidelines, or caregiver
1100 indication, in the state electronic verification system;

1101 (b) in processing an order for a holder of a conditional medical cannabis card described
1102 in Subsection [26-61a-201\(1\)\(b\)](#) that appears irregular or suspicious in the judgment of the
1103 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1104 medical provider or the recommending medical provider's office to verify the validity of the
1105 recommendation before processing the cardholder's order;

1106 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1107 ~~[\[26-61a-502\(4\) or \(5\)\]](#)~~ [26-61a-404\(5\) or \(6\)](#), verbally offer to a medical cannabis cardholder at
1108 the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal
1109 counseling with the pharmacy medical provider; and

1110 (d) provide a telephone number or website by which the cardholder may contact a
1111 pharmacy medical provider for counseling.

1112 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program

1113 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
1114 medical cannabis device, or medical cannabis product in a locked box or other secure
1115 receptacle within the medical cannabis pharmacy.

1116 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1117 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1118 can access deposited medical cannabis or medical cannabis products.

1119 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
1120 medical cannabis products by:

1121 (i) rendering the deposited medical cannabis or medical cannabis products unusable
1122 and unrecognizable before transporting deposited medical cannabis or medical cannabis
1123 products from the medical cannabis pharmacy; and

1124 (ii) disposing of the deposited medical cannabis or medical cannabis products in
1125 accordance with:

1126 (A) federal and state law, rules, and regulations related to hazardous waste;

1127 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1128 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1129 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1130 3, Utah Administrative Rulemaking Act.

1131 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1132 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
1133 by a medical cannabis pharmacy.

1134 Section 16. Section ~~4-41a-1102~~, which is renumbered from Section 26-61a-502 is
1135 renumbered and amended to read:

1136 ~~[26-61a-502]~~. **4-41a-1102. Dispensing -- Amount a medical cannabis**
1137 **pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

1138 (1) (a) A medical cannabis pharmacy may not sell a product other than~~[-subject to this~~
1139 ~~chapter]~~:

1140 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
1141 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
1142 under Section ~~4-41a-201~~;

1143 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy

1144 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
1145 licensed under Section [4-41a-201](#);

1146 (iii) a medical cannabis device; or
1147 (iv) educational material related to the medical use of cannabis.

1148 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
1149 an individual with:

1150 (i) (A) a medical cannabis card; or
1151 (B) a department registration described in [~~Section [26-61a-201](#)(10)~~] Subsection
1152 [26-61a-201](#)(11); and

1153 (ii) a corresponding valid form of photo identification.

1154 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
1155 cannabis-based drug that the United States Food and Drug Administration has approved.

1156 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
1157 medical cannabis device to an individual described in Subsection [26-61a-201](#)(2)(a)(i)(B) or to a
1158 minor described in Subsection [26-61a-201](#)(2)(c) unless the individual or minor has the
1159 approval of the Compassionate Use Board in accordance with Subsection [26-61a-105](#)(5).

1160 (2) A medical cannabis pharmacy:

1161 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
1162 legal dosage limit of:

1163 (i) unprocessed cannabis that:
1164 (A) is in a medicinal dosage form; and
1165 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
1166 cannabidiol in the cannabis; and

1167 (ii) a cannabis product that is in a medicinal dosage form; and

1168 (b) may not dispense:
1169 (i) more medical cannabis than described in Subsection (2)(a); or
1170 (ii) to an individual whose recommending medical provider did not recommend
1171 directions of use and dosing guidelines, until the individual consults with the pharmacy
1172 medical provider in accordance with Subsection [~~(4)~~;] [26-61a-404](#)(5) any medical cannabis.
1173 [~~(3) An individual with a medical cannabis card:~~]
1174 [~~(a) may purchase, in any one 28-day period, up to the legal dosage limit of:~~]

1175 ~~[(i) unprocessed cannabis in a medicinal dosage form; and]~~
1176 ~~[(ii) a cannabis product in a medicinal dosage form;]~~
1177 ~~[(b) may not purchase:]~~
1178 ~~[(i) more medical cannabis than described in Subsection (3)(a); or]~~
1179 ~~[(ii) if the relevant recommending medical provider did not recommend directions of~~
1180 ~~use and dosing guidelines, until the individual consults with the pharmacy medical provider in~~
1181 ~~accordance with Subsection (4), any medical cannabis; and]~~
1182 ~~[(c) may not use a route of administration that the relevant recommending medical~~
1183 ~~provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not~~
1184 ~~recommended. (4) If a recommending medical provider recommends treatment with medical~~
1185 ~~cannabis but wishes for the pharmacy medical provider to determine directions of use and~~
1186 ~~dosing guidelines:]~~
1187 ~~[(a) the recommending medical provider shall provide to the pharmacy medical~~
1188 ~~provider, either through the state electronic verification system or through a medical cannabis~~
1189 ~~pharmacy's recording of a recommendation under the order of a limited medical provider, any~~
1190 ~~of the following information that the recommending medical provider feels would be needed to~~
1191 ~~provide appropriate directions of use and dosing guidelines:]~~
1192 ~~[(i) information regarding the qualifying condition underlying the recommendation;]~~
1193 ~~[(ii) information regarding prior treatment attempts with medical cannabis; and]~~
1194 ~~[(iii) portions of the patient's current medication list; and]~~
1195 ~~[(b) before the relevant medical cannabis cardholder may obtain medical cannabis, the~~
1196 ~~pharmacy medical provider shall:]~~
1197 ~~[(i) review pertinent medical records, including the recommending medical provider~~
1198 ~~documentation described in Subsection (4)(a); and]~~
1199 ~~[(ii) unless the pertinent medical records show directions of use and dosing guidelines~~
1200 ~~from a state central patient portal medical provider in accordance with Subsection (5), after~~
1201 ~~completing the review described in Subsection (4)(b)(i) and consulting with the recommending~~
1202 ~~medical provider as needed, determine the best course of treatment through consultation with~~
1203 ~~the cardholder regarding:]~~
1204 ~~[(A) the patient's qualifying condition underlying the recommendation from the~~
1205 ~~recommending medical provider;]~~

1206 ~~[(B) indications for available treatments;]~~
1207 ~~[(C) directions of use and dosing guidelines; and]~~
1208 ~~[(D) potential adverse reactions. (5) (a) A state central patient portal medical provider~~
1209 ~~may provide the consultation and make the determination described in Subsection (4)(b) for a~~
1210 ~~medical cannabis patient cardholder regarding an electronic order that the state central patient~~
1211 ~~portal facilitates.]~~
1212 ~~[(b) The state central patient portal medical provider described in Subsection (5)(a)~~
1213 ~~shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)~~
1214 ~~in the pertinent medical records.]~~
1215 ~~[(6)]~~ (3) (a) A medical cannabis pharmacy shall:
1216 (i) (A) access the state electronic verification system before dispensing cannabis or a
1217 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
1218 where applicable, the associated patient has met the maximum amount of medical cannabis
1219 described in Subsection (2); and
1220 (B) if the verification in Subsection ~~[(6)(a)(i)]~~ (3)(a)(i) indicates that the individual has
1221 met the maximum amount described in Subsection (2), decline the sale, and notify the
1222 recommending medical provider who made the underlying recommendation;
1223 (ii) submit a record to the state electronic verification system each time the medical
1224 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
1225 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1226 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
1227 accordance with pharmacy practice standards;
1228 (iv) package any medical cannabis that is in a container that:
1229 (A) complies with Subsection [4-41a-602\(1\)\(b\)](#) or, if applicable, provisions related to a
1230 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
1231 Section [26-61a-102](#);
1232 (B) is tamper-resistant and tamper-evident; and
1233 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
1234 transporting the container in public; and
1235 (v) for a product that is a cube that is designed for ingestion through chewing or
1236 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks

1237 of over-consumption.

1238 (b) A medical cannabis cardholder transporting or possessing the container described
1239 in Subsection ~~[(6)(a)(iv)]~~ (3)(a)(iv) in public shall keep the container within the opaque bag or
1240 box that the medical cannabis pharmacist provides.

1241 ~~[(7)]~~ (4) (a) Except as provided in Subsection ~~[(7)(b)]~~ (4)(b), a medical cannabis
1242 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
1243 that is intentionally designed or constructed to resemble a cigarette.

1244 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1245 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
1246 individual's respiratory system.

1247 ~~[(8)]~~ (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
1248 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

1249 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
1250 the medical use of cannabis.

1251 ~~[(9) The department may impose a uniform fee on each medical cannabis transaction in
1252 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
1253 department sets in accordance with Section 63J-1-504.]~~

1254 ~~[(10)]~~ (6) A medical cannabis pharmacy may purchase and store medical cannabis
1255 devices regardless of whether the seller has a cannabis-related license under this ~~[title or Title
1256 4, Chapter 41a, Cannabis Production Establishments]~~ chapter or Title 26B, Utah Health and
1257 Human Services Code.

1258 Section 17. Section **4-41a-1103**, which is renumbered from Section 26-61a-504 is
1259 renumbered and amended to read:

1260 ~~[26-61a-504].~~ **4-41a-1103. Inspections.**

1261 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
1262 treatment recommendation files and other records in accordance with this chapter, department
1263 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
1264 104-191, 110 Stat. 1936, as amended.

1265 (2) (a) The department ~~[or the Department of Agriculture and Food]~~ may inspect the
1266 records, facility, and inventory of a medical cannabis pharmacy at any time during business
1267 hours in order to determine if the medical cannabis pharmacy complies with this chapter ~~[and~~

1268 Title 4, ~~Chapter 41a, Cannabis Production Establishments~~].

1269 (b) The Department of Health and Human Services may inspect patient records held by
1270 a medical cannabis pharmacy:

1271 (i) for compliance with the federal Health Insurance Portability and Accountability Act
1272 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; or

1273 (ii) to ensure that a medical cannabis pharmacy is providing a cannabis product to a
1274 patient in accordance with the recommendations of the patient's recommending medical
1275 provider.

1276 (3) (a) An inspection conducted by the department under this section may include:

1277 ~~[(a)]~~ (i) ~~[inspection of]~~ inspecting a site, facility, vehicle, book, record, paper,
1278 document, data, or other physical or electronic information, or any combination of the above;

1279 ~~[(b)]~~ (ii) questioning of any relevant individual;

1280 ~~[(c)]~~ (iii) ~~[inspection of]~~ inspecting equipment, an instrument, a tool, or machinery,
1281 including a container or label;

1282 ~~[(d)]~~ (iv) random sampling of medical cannabis ~~[by the Department of Agriculture and~~
1283 ~~Food]~~ in accordance with rules described in Section ~~4-41a-701~~; or

1284 ~~[(e)]~~ (v) seizure of medical cannabis, medical cannabis devices, or educational material
1285 as evidence in a department investigation or inspection or in instances of compliance failure.

1286 (b) An inspection conducted by the Department of Health and Human Services under
1287 Subsection (2)(b) may include:

1288 (i) inspecting a site, facility, vehicle, book, record, paper, document, data, or other
1289 physical or electronic information, or any combination of the above; or

1290 (ii) questioning of any relevant individual.

1291 (4) In making an inspection under this section~~[-]~~:

1292 (a) the department ~~[or the Department of Agriculture and Food]~~ may freely access any
1293 area and review and make copies of a book, record, paper, document, data, or other physical or
1294 electronic information, including financial data, sales data, shipping data, pricing data, and
1295 employee data~~[-]~~; and

1296 (b) the Department of Health and Human Services may freely access any area and
1297 review and make copies of a book, record, paper, document, data, or other physical or
1298 electronic information related to patient records.

1299 (5) Failure to provide the department, the [~~Department of Agriculture and Food~~
 1300 Department of Health and Human Services, or the authorized agents of the department or the
 1301 [~~Department of Agriculture and Food~~] Department of Health and Human Services immediate
 1302 access to records and facilities during business hours in accordance with this section may result
 1303 in:

1304 (a) the imposition of a civil monetary penalty that the department sets in accordance
 1305 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1306 (b) license or registration suspension or revocation; or

1307 (c) an immediate cessation of operations under a cease and desist order that the
 1308 department issues.

1309 (6) Notwithstanding any other provision of law, the department may temporarily store
 1310 in any department facility the items the department seizes under Subsection [~~(3)(e)~~] (3)(a)(v)
 1311 until the department:

1312 (a) determines that sufficient compliance justifies the return of the seized items; or

1313 (b) disposes of the items in the same manner as a cannabis production establishment in
 1314 accordance with Section [4-41a-405](#).

1315 Section 18. Section **4-41a-1104**, which is renumbered from Section 26-61a-505 is
 1316 renumbered and amended to read:

1317 [~~26-61a-505~~]. **4-41a-1104. Advertising.**

1318 (1) Except as provided in this section, a person may not advertise in any medium
 1319 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

1320 (2) Subject to Section [~~26-61a-116~~] [4-41a-109](#), a medical cannabis pharmacy may:

1321 (a) advertise an employment opportunity at the medical cannabis pharmacy;

1322 (b) notwithstanding any municipal or county ordinance prohibiting signage, use
 1323 signage on the outside of the medical cannabis pharmacy that:

1324 (i) includes only:

1325 (A) in accordance with Subsection [~~26-61a-116(4)~~] [4-41a-109\(4\)](#), the medical cannabis
 1326 pharmacy's name, logo, and hours of operation; and

1327 (B) a green cross; and

1328 (ii) complies with local ordinances regulating signage;

1329 (c) advertise in any medium:

- 1330 (i) the pharmacy's name and logo;
- 1331 (ii) the location and hours of operation of the medical cannabis pharmacy;
- 1332 (iii) a service available at the medical cannabis pharmacy;
- 1333 (iv) personnel affiliated with the medical cannabis pharmacy;
- 1334 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
- 1335 cannabis pharmacy;
- 1336 (vi) best practices that the medical cannabis pharmacy upholds; and
- 1337 (vii) educational material related to the medical use of cannabis, as defined by the
- 1338 department;
- 1339 (d) hold an educational event for the public or medical providers in accordance with
- 1340 Subsection (3) and the rules described in Subsection (4); and
- 1341 (e) maintain on the medical cannabis pharmacy's website non-promotional information
- 1342 regarding the medical cannabis pharmacy's inventory.
- 1343 (3) A medical cannabis pharmacy may not include in an educational event described in
- 1344 Subsection (2)(d):
- 1345 (a) any topic that conflicts with this chapter or [~~Title 4, Chapter 41a, Cannabis~~
- 1346 ~~Production Establishments~~] Title 26, Chapter 61a, Utah Medical Cannabis Act;
- 1347 (b) any gift items or merchandise other than educational materials, as those terms are
- 1348 defined by the department;
- 1349 (c) any marketing for a specific product from the medical cannabis pharmacy or any
- 1350 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
- 1351 Act, 21 U.S.C. Sec. 301, et seq.; or
- 1352 (d) a presenter other than the following:
- 1353 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1354 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
- 1355 Practice Act;
- 1356 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
- 1357 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 1358 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 1359 Assistant Act;
- 1360 (v) a medical practitioner, similar to [~~the practitioners~~] a practitioner described in [~~this~~

1361 ~~Subsection (3)(d)(v)]~~ Subsections (3)(d)(i) through (iv), who is licensed in another state or
1362 country;

1363 (vi) a state employee; or

1364 (vii) if the presentation relates to a cannabis topic other than medical treatment or
1365 medical conditions, an individual whom the department approves based on the individual's
1366 background and credentials in the presented topic.

1367 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1368 Administrative Rulemaking Act, to define:

1369 (a) the educational material described in Subsection (2)(c)(vii); and

1370 (b) the elements of and restrictions on the educational event described in Subsection
1371 (3), including:

1372 (i) a minimum age of 21 years old for attendees; and

1373 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
1374 at least 18 years old.

1375 Section 19. Section **4-41a-1105**, which is renumbered from Section 26-61a-507 is
1376 renumbered and amended to read:

1377 ~~[26-61a-507].~~ **4-41a-1105. Local control.**

1378 (1) The operation of a medical cannabis pharmacy:

1379 (a) shall be a permitted use:

1380 (i) in any zone, overlay, or district within the municipality or county except for a
1381 primarily residential zone; and

1382 (ii) on land that the municipality or county has not zoned; and

1383 (b) is subject to the land use regulations, as defined in Sections **10-9a-103** and
1384 **17-27a-103**, that apply in the underlying zone.

1385 (2) A municipality or county may not:

1386 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
1387 law regarding the legal status of cannabis, deny or revoke:

1388 (i) a land use permit, as that term is defined in Sections **10-9a-103** and **17-27a-103**, to
1389 operate a medical cannabis pharmacy; or

1390 (ii) a business license to operate a medical cannabis pharmacy;

1391 (b) require a certain distance between a medical cannabis pharmacy and:

- 1392 (i) another medical cannabis pharmacy;
- 1393 (ii) a cannabis production establishment;
- 1394 (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
- 1395 (iv) an outlet, as that term is defined in Section 32B-1-202; or
- 1396 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use
- 1397 regulation against a medical cannabis pharmacy that was not in effect on the day on which the
- 1398 medical cannabis pharmacy submitted a complete land use application.

1399 (3) (a) A municipality or county may enact an ordinance that:

- 1400 (i) is not in conflict with this chapter; and
- 1401 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the
- 1402 municipality or county.

1403 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not

1404 restrict the hours of operation from 7 a.m. to 10 p.m.

1405 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall

1406 comply with the land use requirements and application process described in:

1407 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,

1408 including Section 10-9a-528; and

1409 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,

1410 including Section 17-27a-525.

1411 Section 20. Section ~~4-41a-1106~~, which is renumbered from Section 26-61a-401 is

1412 renumbered and amended to read:

1413 ~~[26-61a-401]~~. 4-41a-1106. Medical cannabis pharmacy agent --

1414 **Registration.**

1415 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical

1416 cannabis pharmacy unless the department registers the individual as a medical cannabis

1417 pharmacy agent.

1418 (2) A recommending medical provider may not act as a medical cannabis pharmacy

1419 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or

1420 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1421 (3) (a) The department shall, within 15 days after the day on which the department

1422 receives a complete application from a medical cannabis pharmacy on behalf of a prospective

1423 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1424 registration card to the prospective agent if the medical cannabis pharmacy:
1425 (i) provides to the department:
1426 (A) the prospective agent's name and address;
1427 (B) the name and location of the licensed medical cannabis pharmacy where the
1428 prospective agent seeks to act as the medical cannabis pharmacy agent; and
1429 (C) the submission required under Subsection (3)(b); and
1430 (ii) pays a fee to the department in an amount that, subject to Subsection
1431 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).
1432 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
1433 registration card within less than one year after the expiration of the applicant's previous
1434 medical cannabis pharmacy agent registration card, each prospective agent described in
1435 Subsection (3)(a) shall:
1436 (i) submit to the department:
1437 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
1438 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
1439 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1440 Generation Identification System's Rap Back Service; and
1441 (ii) consent to a fingerprint background check by:
1442 (A) the Bureau of Criminal Identification; and
1443 (B) the Federal Bureau of Investigation.
1444 (c) The Bureau of Criminal Identification shall:
1445 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
1446 the applicable state, regional, and national criminal records databases, including the Federal
1447 Bureau of Investigation Next Generation Identification System;
1448 (ii) report the results of the background check to the department;
1449 (iii) maintain a separate file of fingerprints that prospective agents submit under
1450 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1451 databases, including latent prints;
1452 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1453 Generation Identification System's Rap Back Service for search by future submissions to

1454 national criminal records databases, including the Next Generation Identification System and
1455 latent prints; and

1456 (v) establish a privacy risk mitigation strategy to ensure that the department only
1457 receives notifications for an individual with whom the department maintains an authorizing
1458 relationship.

1459 (d) The department shall:

1460 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1461 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
1462 Bureau of Criminal Identification or another authorized agency provides under this section; and

1463 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1464 Identification.

1465 (4) The department shall designate, on an individual's medical cannabis pharmacy
1466 agent registration card the name of the medical cannabis pharmacy where the individual is
1467 registered as an agent.

1468 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1469 the department develops in collaboration with the Division of Professional Licensing and the
1470 Board of Pharmacy, or a third-party certification standard that the department designates by
1471 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1472 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1473 (6) The department shall ensure that the certification standard described in Subsection
1474 (5) includes training in:

1475 (a) Utah medical cannabis law; and

1476 (b) medical cannabis pharmacy best practices.

1477 (7) The department may revoke the medical cannabis pharmacy agent registration card
1478 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1479 who:

1480 (a) violates the requirements of this chapter; or

1481 (b) is convicted under state or federal law of:

1482 (i) a felony within the preceding 10 years; or

1483 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1484 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the

1485 day on which the department issues or renews the card.

1486 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1487 agent:

1488 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1489 section;

1490 (ii) certifies to the department in a renewal application that the information in
1491 Subsection (3)(a) is accurate or updates the information; and

1492 (iii) pays to the department a renewal fee in an amount that:

1493 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1494 Section 63J-1-504; and

1495 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1496 comparison to the original application process.

1497 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
1498 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1499 (i) complete at least one hour of continuing education regarding patient privacy and
1500 federal health information privacy laws that is offered by the department under Subsection
1501 (9)(b) or an accredited or approved continuing education provider that the department
1502 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
1503 practice; and

1504 (ii) make a continuing education report to the department in accordance with a process
1505 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1506 Administrative Rulemaking Act, and in collaboration with the Division of Professional
1507 Licensing and the Board of Pharmacy.

1508 (b) The department may, in consultation with the Division of Professional Licensing,
1509 develop the continuing education described in this Subsection (9).

1510 (c) The pharmacist-in-charge described in Section 26-61a-403 shall ensure that each
1511 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
1512 the state electronic verification system is in compliance with this Subsection (9).

1513 Section 21. Section 4-41a-1107, which is renumbered from Section 26-61a-402 is
1514 renumbered and amended to read:

1515 ~~[26-61a-402]~~. 4-41a-1107. Medical cannabis pharmacy agent registration

1516 **card -- Rebuttable presumption.**

1517 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
1518 pharmacy agent registration card with the individual at all times when:

1519 (a) the individual is on the premises of a medical cannabis pharmacy; and

1520 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
1521 product in a medicinal dosage form, or a medical cannabis device between a cannabis
1522 production establishment and a medical cannabis pharmacy.

1523 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
1524 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
1525 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
1526 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
1527 cannabis device in compliance with Subsection (1):

1528 (a) there is a rebuttable presumption that the individual possesses the cannabis,
1529 cannabis product, or medical cannabis device legally; and

1530 (b) there is no probable cause, based solely on the individual's possession of the
1531 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
1532 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal
1533 activity.

1534 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical
1535 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

1536 (i) for a first or second offense in a two-year period:

1537 (A) guilty of an infraction; and

1538 (B) is subject to a \$100 fine; or

1539 (ii) for a third or subsequent offense in a two-year period:

1540 (A) guilty of a class C misdemeanor; and

1541 (B) subject to a \$750 fine.

1542 (b) (i) The prosecuting entity shall notify the department and the relevant medical
1543 cannabis pharmacy of each conviction under Subsection (3)(a).

1544 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
1545 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
1546 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah

1547 Administrative Rulemaking Act.

1548 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
1549 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1550 underlying the violation described in Subsection (3)(a).

1551 Section 22. Section **4-41a-1201** is enacted to read:

1552 **Part 12. Medical Cannabis Home Delivery and Couriers**

1553 **4-41a-1201. Medical cannabis home delivery designation.**

1554 (1) The department may designate a medical cannabis pharmacy as a home delivery
1555 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
1556 operating plan demonstrates the functional and technical ability to:

1557 (a) safely conduct transactions for medical cannabis shipments;

1558 (b) accept electronic medical cannabis orders that the state central patient portal
1559 facilitates; and

1560 (c) accept payments through:

1561 (i) a payment provider that the Division of Finance approves, in consultation with the
1562 state treasurer, in accordance with Section [26-61a-603](#); or

1563 (ii) a financial institution in accordance with Subsection [26-61a-603\(4\)](#).

1564 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy
1565 shall identify in the applicant's operating plan any information relevant to the department's
1566 evaluation described in Subsection (1), including:

1567 (a) the name and contact information of the payment provider;

1568 (b) the nature of the relationship between the prospective licensee and the payment
1569 provider;

1570 (c) the processes of the following to safely and reliably conduct transactions for
1571 medical cannabis shipments:

1572 (i) the prospective licensee; and

1573 (ii) the electronic payment provider or the financial institution described in Subsection
1574 (1)(c); and

1575 (d) the ability of the licensee to comply with the department's rules regarding the secure
1576 transportation and delivery of medical cannabis or medical cannabis product to a medical
1577 cannabis cardholder.

1578 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
1579 that the department designates as a home delivery medical cannabis pharmacy may deliver
1580 medical cannabis shipments in accordance with this part.

1581 Section 23. Section **4-41a-1202**, which is renumbered from Section 26-61a-604 is
1582 renumbered and amended to read:

1583 ~~[26-61a-604].~~ **4-41a-1202. Home delivery of medical cannabis shipments --**
1584 **Medical cannabis couriers -- License.**

1585 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1586 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1587 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
1588 state central patient portal facilitates, including rules regarding the safe and controlled delivery
1589 of medical cannabis shipments.

1590 (2) A person may not operate as a medical cannabis courier without a license that the
1591 department issues under this section.

1592 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
1593 operate as a medical cannabis courier to an applicant who is eligible for a license under this
1594 section.

1595 (b) An applicant is eligible for a license under this section if the applicant submits to
1596 the department:

1597 (i) the name and address of an individual who:

1598 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1599 pharmacy; or

1600 (B) has the power to direct or cause the management or control of a proposed cannabis
1601 production establishment;

1602 (ii) an operating plan that includes operating procedures to comply with the operating
1603 requirements for a medical cannabis courier described in this chapter; and

1604 (iii) an application fee in an amount that, subject to Subsection ~~[26-61a-109(5)]~~
1605 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

1606 (4) If the department determines that an applicant is eligible for a license under this
1607 section, the department shall:

1608 (a) charge the applicant an initial license fee in an amount that, subject to Subsection

1609 [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

1610 (b) notify the Department of Public Safety of the license approval and the names of
1611 each individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i).

1612 (5) The department may not issue a license to operate as a medical cannabis courier to
1613 an applicant if an individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i):

1614 (a) has been convicted under state or federal law of:

1615 (i) a felony; or

1616 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1617 (b) is younger than 21 years old.

1618 (6) The department may revoke a license under this part if:

1619 (a) the medical cannabis courier does not begin operations within one year after the day
1620 on which the department issues the initial license;

1621 (b) the medical cannabis courier makes the same violation of this chapter three times;

1622 (c) an individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i) is convicted, while the
1623 license is active, under state or federal law of:

1624 (i) a felony; or

1625 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1626 (d) after a change of ownership described in Subsection (15)(c), the department
1627 determines that the medical cannabis courier no longer meets the minimum standards for
1628 licensure and operation of the medical cannabis courier described in this chapter.

1629 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1630 Qualified [~~Patient~~] Production Enterprise Fund.

1631 (8) The department shall begin accepting applications under this section on or before
1632 July 1, 2020.

1633 (9) The department's authority to issue a license under this section is plenary and is not
1634 subject to review.

1635 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
1636 of application, from each individual who has a financial or voting interest of 2% or greater in
1637 the applicant or who has the power to direct or cause the management or control of the
1638 applicant:

1639 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

1640 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1641 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
1642 Generation Identification System's Rap Back Service; and

1643 (c) consent to a fingerprint background check by:

1644 (i) the Bureau of Criminal Identification; and

1645 (ii) the Federal Bureau of Investigation.

1646 (11) The Bureau of Criminal Identification shall:

1647 (a) check the fingerprints the applicant submits under Subsection (10) against the
1648 applicable state, regional, and national criminal records databases, including the Federal
1649 Bureau of Investigation Next Generation Identification System;

1650 (b) report the results of the background check to the department;

1651 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
1652 for search by future submissions to the local and regional criminal records databases, including
1653 latent prints;

1654 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1655 Generation Identification System's Rap Back Service for search by future submissions to
1656 national criminal records databases, including the Next Generation Identification System and
1657 latent prints; and

1658 (e) establish a privacy risk mitigation strategy to ensure that the department only
1659 receives notifications for an individual with whom the department maintains an authorizing
1660 relationship.

1661 (12) The department shall:

1662 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
1663 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1664 Bureau of Criminal Identification or another authorized agency provides under this section; and

1665 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
1666 Identification.

1667 (13) The department shall renew a license under this section every year if, at the time
1668 of renewal:

1669 (a) the licensee meets the requirements of this section; and

1670 (b) the licensee pays the department a license renewal fee in an amount that, subject to

- 1671 Subsection [26-61a-109](#)(5), the department sets in accordance with Section [63J-1-504](#).
- 1672 (14) A person applying for a medical cannabis courier license shall submit to the
1673 department a proposed operating plan that complies with this section and that includes:
- 1674 (a) a description of the physical characteristics of any proposed facilities, including a
1675 floor plan and an architectural elevation, and delivery vehicles;
- 1676 (b) a description of the credentials and experience of each officer, director, or owner of
1677 the proposed medical cannabis courier;
- 1678 (c) the medical cannabis courier's employee training standards;
- 1679 (d) a security plan; and
- 1680 (e) storage and delivery protocols, both short and long term, to ensure that medical
1681 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
1682 integrity of the cannabis.
- 1683 (15) (a) A medical cannabis courier license is not transferrable or assignable.
- 1684 (b) A medical cannabis courier shall report in writing to the department no later than
1685 10 business days before the date of any change of ownership of the medical cannabis courier.
- 1686 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1687 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
1688 courier shall submit a new application described in Subsection (3)(b);
- 1689 (ii) within 30 days of the submission of the application, the department shall:
- 1690 (A) conduct an application review; and
- 1691 (B) award a license to the medical cannabis courier for the remainder of the term of the
1692 medical cannabis courier's license before the ownership change if the medical cannabis courier
1693 meets the minimum standards for licensure and operation of the medical cannabis courier
1694 described in this chapter; and
- 1695 (iii) if the department approves the license application, notwithstanding Subsection (4),
1696 the medical cannabis courier shall pay a license fee that the department sets in accordance with
1697 Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application
1698 review.
- 1699 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
1700 the transportation of medical cannabis.
- 1701 (b) Notwithstanding Subsection (15)(a) and subject to Section [~~26-61a-116~~] [4-41a-109](#),

1702 a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier
1703 may advertise:

- 1704 (i) a green cross;
- 1705 (ii) the pharmacy's or courier's name and logo; and
- 1706 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1707 Section 24. Section ~~4-41a-1203~~, which is renumbered from Section 26-61a-605 is
1708 renumbered and amended to read:

1709 ~~[26-61a-605]~~. **4-41a-1203. Medical cannabis shipment transportation.**

1710 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
1711 capable of delivering, directly or through a medical cannabis courier, medical cannabis
1712 shipments in a secure manner.

1713 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed
1714 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical
1715 cannabis orders that the state central patient portal facilitates.

1716 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
1717 Subsection (2)(a), the pharmacy shall:

- 1718 (i) impose security and personnel requirements on the medical cannabis courier
1719 sufficient to ensure the security and safety of medical cannabis shipments; and
- 1720 (ii) provide regular oversight of the medical cannabis courier.

1721 (3) ~~[Except for an individual with a valid medical cannabis card who transports a~~
1722 ~~shipment the individual receives, an]~~ Notwithstanding Subsection 4-41a-404(1), an individual
1723 may [not] transport a medical cannabis shipment [unless] if the individual is:

- 1724 (a) a registered pharmacy medical provider;
- 1725 (b) a registered medical cannabis pharmacy agent; or
- 1726 (c) a registered agent of the medical cannabis courier described in Subsection (2).
- 1727 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
1728 ~~[possess a physical or electronic transportation manifest that:]~~ comply with the requirement of
1729 Subsection 4-41a-404(3).

1730 ~~[(a) includes a unique identifier that links the medical cannabis shipment to a relevant~~
1731 ~~inventory control system;]~~

1732 ~~[(b) includes origin and destination information for the medical cannabis shipment the~~

1733 individual is transporting; and]

1734 [~~(c) indicates the departure and estimated arrival times and locations of the individual~~
1735 ~~transporting the medical cannabis shipment.~~]

1736 (5) In addition to the requirements in Subsections (3) and (4), the department may
1737 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
1738 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1739 requirements for transporting medical cannabis shipments that are related to safety for human
1740 consumption of cannabis or a cannabis product.

1741 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a
1742 manifest that does not meet the requirements of Subsection (4).

1743 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
1744 (6)(a) is:

1745 (i) guilty of an infraction; and

1746 (ii) subject to a \$100 fine.

1747 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
1748 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1749 underlying the violation described in Subsection (6)(b).

1750 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
1751 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
1752 minimis administrative error:

1753 (i) this chapter does not apply; and

1754 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
1755 Substances Act.

1756 Section 25. Section ~~4-41a-1204~~, which is renumbered from Section 26-61a-606 is
1757 renumbered and amended to read:

1758 ~~[26-61a-606].~~ **4-41a-1204. Medical cannabis courier agent -- Background**
1759 **check -- Registration card -- Rebuttable presumption.**

1760 (1) An individual may not serve as a medical cannabis courier agent unless:

1761 (a) the individual is an employee of a licensed medical cannabis courier; and

1762 (b) the department registers the individual as a medical cannabis courier agent.

1763 (2) (a) The department shall, within 15 days after the day on which the department

1764 receives a complete application from a medical cannabis courier on behalf of a medical
1765 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
1766 the prospective agent if the medical cannabis courier:

1767 (i) provides to the department:

1768 (A) the prospective agent's name and address;

1769 (B) the name and address of the medical cannabis courier;

1770 (C) the name and address of each home delivery medical cannabis pharmacy with
1771 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

1772 (D) the submission required under Subsection (2)(b);

1773 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
1774 law of:

1775 (A) a felony; or

1776 (B) after December 3, 2018, a misdemeanor for drug distribution; and

1777 (iii) pays the department a fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]
1778 [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1779 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
1780 card within less than one year after the expiration of the applicant's previous medical cannabis
1781 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

1782 (i) submit to the department:

1783 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1784 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
1785 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

1786 Generation Identification System's Rap Back Service; and

1787 (ii) consent to a fingerprint background check by:

1788 (A) the Bureau of Criminal Identification; and

1789 (B) the Federal Bureau of Investigation.

1790 (c) The Bureau of Criminal Identification shall:

1791 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
1792 the applicable state, regional, and national criminal records databases, including the Federal
1793 Bureau of Investigation Next Generation Identification System;

1794 (ii) report the results of the background check to the department;

1795 (iii) maintain a separate file of fingerprints that prospective agents submit under
1796 Subsection (2)(b) for search by future submissions to the local and regional criminal records
1797 databases, including latent prints;

1798 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1799 Generation Identification System's Rap Back Service for search by future submissions to
1800 national criminal records databases, including the Next Generation Identification System and
1801 latent prints; and

1802 (v) establish a privacy risk mitigation strategy to ensure that the department only
1803 receives notifications for an individual with whom the department maintains an authorizing
1804 relationship.

1805 (d) The department shall:

1806 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
1807 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1808 Bureau of Criminal Identification or another authorized agency provides under this section; and

1809 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
1810 Identification.

1811 (3) The department shall designate on an individual's medical cannabis courier agent
1812 registration card the name of the medical cannabis pharmacy where the individual is registered
1813 as an agent and each home delivery medical cannabis courier for which the medical cannabis
1814 courier delivers medical cannabis shipments.

1815 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
1816 the department develops, in collaboration with the Division of Professional Licensing and the
1817 Board of Pharmacy, or a third-party certification standard that the department designates by
1818 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1819 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1820 (b) The department shall ensure that the certification standard described in Subsection
1821 (4)(a) includes training in:

1822 (i) Utah medical cannabis law;

1823 (ii) the medical cannabis shipment process; and

1824 (iii) medical cannabis courier agent best practices.

1825 (5) (a) A medical cannabis courier agent registration card expires two years after the

1826 day on which the department issues or renews the card.

1827 (b) A medical cannabis courier agent may renew the agent's registration card if the
1828 agent:

1829 (i) is eligible for a medical cannabis courier agent registration card under this section;

1830 (ii) certifies to the department in a renewal application that the information in

1831 Subsection (2)(a) is accurate or updates the information; and

1832 (iii) pays to the department a renewal fee in an amount that:

1833 (A) subject to Subsection [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in

1834 accordance with Section 63J-1-504; and

1835 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1836 comparison to the original application process.

1837 (6) The department may revoke or refuse to issue or renew the medical cannabis
1838 courier agent registration card of an individual who:

1839 (a) violates the requirements of this chapter; or

1840 (b) is convicted under state or federal law of:

1841 (i) a felony within the preceding 10 years; or

1842 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1843 (7) A medical cannabis courier agent whom the department has registered under this
1844 section shall carry the agent's medical cannabis courier agent registration card with the agent at
1845 all times when:

1846 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
1847 pharmacy, or a medical cannabis cardholder's home address; and

1848 (b) the agent is handling a medical cannabis shipment.

1849 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
1850 the shipment in compliance with Subsection (7):

1851 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

1852 (b) there is no probable cause, based solely on the agent's possession of the medical
1853 cannabis shipment that the agent is engaging in illegal activity.

1854 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:

1855 (i) guilty of an infraction; and

1856 (ii) subject to a \$100 fine.

1857 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
1858 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1859 underlying the violation described in Subsection (9)(a).

1860 Section 26. Section **4-41a-1205**, which is renumbered from Section 26-61a-607 is
1861 renumbered and amended to read:

1862 ~~[26-61a-607]~~. **4-41a-1205. Home delivery of medical cannabis shipments.**

1863 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
1864 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
1865 medical cannabis pharmacy unless:

1866 (a) the individual receiving the shipment presents:

1867 (i) a valid form of photo identification; and

1868 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
1869 form of photo identification; or

1870 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
1871 Subsection [26-61a-202](#)(1)(b), evidence of the facility caregiver designation; and

1872 (b) the delivery occurs at:

1873 (i) the medical cannabis cardholder's home address that is on file in the state electronic
1874 verification system; or

1875 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
1876 Subsection [26-61a-202](#)(1)(b).

1877 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
1878 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

1879 (a) verify the shipment information using the state electronic verification system;

1880 (b) ensure that the individual satisfies the identification requirements in Subsection (1);

1881 (c) verify that payment is complete; and

1882 (d) record the completion of the shipment transaction in a manner such that the
1883 delivery of the shipment will later be recorded within a reasonable period in the electronic
1884 verification system.

1885 (3) The medical cannabis courier shall:

1886 (a) (i) store each medical cannabis shipment in a secure manner until the recipient

1887 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the

1888 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
1889 and

1890 (ii) ensure that only a medical cannabis courier agent is able to access the medical
1891 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

1892 (b) return any undelivered medical cannabis shipment to the home delivery medical
1893 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
1894 possessed the shipment for 10 business days; and

1895 (c) return any medical cannabis shipment to the home delivery medical cannabis
1896 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
1897 accept the shipment.

1898 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
1899 agent returns an undelivered medical cannabis shipment that remains unopened, the home
1900 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

1901 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
1902 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
1903 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
1904 shipment by:

1905 (i) rendering the shipment unusable and unrecognizable before transporting the
1906 shipment from the home delivery medical cannabis pharmacy; and

1907 (ii) disposing of the shipment in accordance with:

1908 (A) federal and state laws, rules, and regulations related to hazardous waste;

1909 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1910 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1911 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1912 3, Utah Administrative Rulemaking Act.

1913 Section 27. Section **10-9a-528** is amended to read:

1914 **10-9a-528. Cannabis production establishments, medical cannabis pharmacies,**
1915 **and industrial hemp producer licensee.**

1916 (1) As used in this section:

1917 (a) "Cannabis production establishment" means the same as that term is defined in
1918 Section [4-41a-102](#).

1919 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is
 1920 defined in Section [4-41-102](#).

1921 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
 1922 [26-61a-102](#).

1923 (2) (a) (i) A municipality may not regulate a cannabis production establishment or a
 1924 medical cannabis pharmacy in conflict with:

1925 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
 1926 applicable jurisprudence; and

1927 (B) this chapter.

1928 [~~(ii) A municipality may not regulate a medical cannabis pharmacy in conflict with:~~]

1929 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~
 1930 ~~and]~~

1931 [~~(B) this chapter.~~]

1932 [~~(iii)~~] (ii) A municipality may not regulate an industrial hemp producer licensee in
 1933 conflict with:

1934 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

1935 (B) this chapter.

1936 (b) The Department of Agriculture and Food has plenary authority to license programs
 1937 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

1938 [~~(c) The Department of Health has plenary authority to license programs or entities that~~
 1939 ~~operate a medical cannabis pharmacy.~~]

1940 (3) (a) Within the time period described in Subsection (3)(b), a municipality shall
 1941 prepare and adopt a land use regulation, development agreement, or land use decision in
 1942 accordance with this title and:

1943 (i) regarding a cannabis production establishment, Section [4-41a-406](#); or

1944 (ii) regarding a medical cannabis pharmacy, Section [~~26-61a-507~~] [4-41a-110](#).

1945 (b) A municipality shall take the action described in Subsection (3)(a):

1946 (i) before January 1, 2021, within 45 days after the day on which the municipality
 1947 receives a petition for the action; and

1948 (ii) after January 1, 2021, in accordance with Subsection [10-9a-509.5\(2\)](#).

1949 Section 28. Section **17-27a-525** is amended to read:

1950 **17-27a-525. Cannabis production establishments and medical cannabis**
1951 **pharmacies.**

1952 (1) As used in this section:

1953 (a) "Cannabis production establishment" means the same as that term is defined in
1954 Section [4-41a-102](#).

1955 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is
1956 defined in Section [4-41-102](#).

1957 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
1958 [26-61a-102](#).

1959 (2) (a) (i) A county may not regulate a cannabis production establishment or a medical
1960 cannabis pharmacy in conflict with:

1961 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
1962 applicable jurisprudence; and

1963 (B) this chapter.

1964 [~~(ii) A county may not regulate a medical cannabis pharmacy in conflict with:~~]

1965 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~
1966 ~~and]~~

1967 [~~(B) this chapter.~~]

1968 [~~(iii)~~] (ii) A county may not regulate an industrial hemp producer licensee in conflict
1969 with:

1970 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

1971 (B) this chapter.

1972 (b) The Department of Agriculture and Food has plenary authority to license programs
1973 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

1974 [~~(c) The Department of Health has plenary authority to license programs or entities that~~
1975 ~~operate a medical cannabis pharmacy.~~]

1976 (3) (a) Within the time period described in Subsection (3)(b), a county shall prepare
1977 and adopt a land use regulation, development agreement, or land use decision in accordance
1978 with this title and:

1979 (i) regarding a cannabis production establishment, Section [4-41a-406](#); or

1980 (ii) regarding a medical cannabis pharmacy, Section [~~26-61a-507~~] [4-41a-110](#).

- 1981 (b) A county shall take the action described in Subsection (3)(a):
- 1982 (i) before January 1, 2021, within 45 days after the day on which the county receives a
- 1983 petition for the action; and
- 1984 (ii) after January 1, 2021, in accordance with Subsection [17-27a-509.5\(2\)](#).
- 1985 Section 29. Section **26-61a-102** is amended to read:
- 1986 **26-61a-102. Definitions.**
- 1987 As used in this chapter:
- 1988 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
- 1989 tetrahydrocannabinolic acid.
- 1990 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 1991 Section [26-61a-117](#).
- 1992 [~~(2)~~] (3) "Cannabis Research Review Board" means the Cannabis Research Review
- 1993 Board created in Section [26-61-201](#).
- 1994 [~~(3)~~] (4) "Cannabis" means marijuana.
- 1995 [~~(4)~~] (5) "Cannabis cultivation facility" means the same as that term is defined in
- 1996 Section [4-41a-102](#).
- 1997 [~~(5)~~] (6) "Cannabis processing facility" means the same as that term is defined in
- 1998 Section [4-41a-102](#).
- 1999 [~~(6)~~] (7) "Cannabis product" means a product that:
- 2000 (a) is intended for human use; and
- 2001 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
- 2002 concentration of 0.3% or greater on a dry weight basis.
- 2003 [~~(7)~~] (8) "Cannabis production establishment" means the same as that term is defined
- 2004 in Section [4-41a-102](#).
- 2005 [~~(8)~~] (9) "Cannabis production establishment agent" means the same as that term is
- 2006 defined in Section [4-41a-102](#).
- 2007 [~~(9)~~] (10) "Cannabis production establishment agent registration card" means the same
- 2008 as that term is defined in Section [4-41a-102](#).
- 2009 [~~(10)~~] (11) "Community location" means a public or private elementary or secondary
- 2010 school, a church, a public library, a public playground, or a public park.
- 2011 [~~(11)~~] (12) "Conditional medical cannabis card" means an electronic medical cannabis

2012 card that the department issues in accordance with Subsection [26-61a-201\(1\)\(b\)](#) to allow an
2013 applicant for a medical cannabis card to access medical cannabis during the department's
2014 review of the application.

2015 ~~[(12)]~~ [\(13\)](#) "Controlled substance database" means the controlled substance database
2016 created in Section [58-37f-201](#).

2017 ~~[(13)]~~ [\(14\)](#) "Department" means the Department of Health and Human Services.

2018 ~~[(14)]~~ [\(15\)](#) "Designated caregiver" means:

2019 (a) an individual:

2020 (i) whom an individual with a medical cannabis patient card or a medical cannabis
2021 guardian card designates as the patient's caregiver; and

2022 (ii) who registers with the department under Section [26-61a-202](#); or

2023 (b) (i) a facility that an individual designates as a designated caregiver in accordance
2024 with Subsection [26-61a-202\(1\)\(b\)](#); or

2025 (ii) an assigned employee of the facility described in Subsection [26-61a-202\(1\)\(b\)\(ii\)](#).

2026 ~~[(15)]~~ [\(16\)](#) "Directions of use" means recommended routes of administration for a
2027 medical cannabis treatment and suggested usage guidelines.

2028 ~~[(16)]~~ [\(17\)](#) "Dosing guidelines" means a quantity range and frequency of administration
2029 for a recommended treatment of medical cannabis.

2030 ~~[(17)]~~ [\(18\)](#) "Financial institution" means a bank, trust company, savings institution, or
2031 credit union, chartered and supervised under state or federal law.

2032 ~~[(18)]~~ [\(19\)](#) "Home delivery medical cannabis pharmacy" means a medical cannabis
2033 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
2034 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders
2035 that the state central patient portal facilitates.

2036 ~~[(19)]~~ [\(20\)](#) "Inventory control system" means the system described in Section
2037 [4-41a-103](#).

2038 ~~[(20)]~~ [\(21\)](#) "Legal dosage limit" means an amount that:

2039 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
2040 relevant recommending medical provider or the state central patient portal or pharmacy
2041 medical provider, in accordance with Subsection ~~[[26-61a-502\(4\)](#)]~~ [26-61a-404\(5\)](#) or ~~[(5)]~~ [\(6\)](#),
2042 recommends; and

2043 (b) may not exceed:

2044 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

2045 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,

2046 greater than 20 grams of active tetrahydrocannabinol.

2047 ~~[(21)]~~ (22) "Legal use termination date" means a date on the label of a container of

2048 unprocessed cannabis flower:

2049 (a) that is 60 days after the date of purchase of the cannabis; and

2050 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the

2051 primary residence of the relevant medical cannabis patient cardholder.

2052 ~~[(22)]~~ (23) "Limited medical provider" means an individual who:

2053 (a) meets the recommending qualifications; and

2054 (b) has no more than 15 patients with a valid medical cannabis patient card or

2055 provisional patient card as a result of the individual's recommendation, in accordance with

2056 Subsection [26-61a-106\(1\)\(b\)](#).

2057 ~~[(23)]~~ (24) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

2058 ~~[(24)]~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a

2059 cannabis product in a medicinal dosage form.

2060 ~~[(25)]~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical

2061 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis

2062 card.

2063 ~~[(26)]~~ (27) "Medical cannabis cardholder" means:

2064 (a) a holder of a medical cannabis card; or

2065 (b) a facility or assigned employee, described in Subsection~~[(14)(b);~~ [\(15\)\(b\)](#), only:

2066 (i) within the scope of the facility's or assigned employee's performance of the role of a

2067 medical cannabis patient cardholder's caregiver designation under Subsection

2068 [26-61a-202\(1\)\(b\)](#); and

2069 (ii) while in possession of documentation that establishes:

2070 (A) a caregiver designation described in Subsection [26-61a-202\(1\)\(b\)](#);

2071 (B) the identity of the individual presenting the documentation; and

2072 (C) the relation of the individual presenting the documentation to the caregiver

2073 designation.

2074 ~~[(27)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a
2075 cardholder may print or store on an electronic device or a physical card or document that:

2076 (a) the department issues to an individual whom a medical cannabis patient cardholder
2077 or a medical cannabis guardian cardholder designates as a designated caregiver; and

2078 (b) is connected to the electronic verification system.

2079 ~~[(28)]~~ (29) "Medical cannabis courier" means ~~[a courier that:]~~ the same as that term is
2080 defined in Section 4-41a-102.

2081 ~~[(a) the department licenses in accordance with Section 26-61a-604; and]~~

2082 ~~[(b) contracts with a home delivery medical cannabis pharmacy to deliver medical~~
2083 ~~cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.]~~

2084 ~~[(29)]~~ (30) "Medical cannabis courier agent" means ~~[an individual who:]~~ the same as
2085 that term is defined in Section 4-41a-102.

2086 ~~[(a) is an employee of a medical cannabis courier; and]~~

2087 ~~[(b) who holds a valid medical cannabis courier agent registration card.]~~

2088 ~~[(30)]~~ (31) (a) "Medical cannabis device" means a device that an individual uses to
2089 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
2090 dosage form.

2091 (b) "Medical cannabis device" does not include a device that:

2092 (i) facilitates cannabis combustion; or

2093 (ii) an individual uses to ingest substances other than cannabis.

2094 ~~[(31)]~~ (32) "Medical cannabis guardian card" means an electronic document that a
2095 cardholder may print or store on an electronic device or a physical card or document that:

2096 (a) the department issues to the parent or legal guardian of a minor with a qualifying
2097 condition; and

2098 (b) is connected to the electronic verification system.

2099 ~~[(32)]~~ (33) "Medical cannabis patient card" means an electronic document that a
2100 cardholder may print or store on an electronic device or a physical card or document that:

2101 (a) the department issues to an individual with a qualifying condition; and

2102 (b) is connected to the electronic verification system.

2103 ~~[(33)]~~ (34) "Medical cannabis pharmacy" means a person that:

2104 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a

2105 medicinal dosage form from a cannabis processing facility or another medical cannabis
2106 pharmacy or a medical cannabis device; or

2107 (ii) possesses medical cannabis or a medical cannabis device; and

2108 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
2109 cannabis cardholder.

2110 ~~[(34)]~~ (35) "Medical cannabis pharmacy agent" means an individual who:

2111 (a) is an employee of a medical cannabis pharmacy; and

2112 (b) who holds a valid medical cannabis pharmacy agent registration card.

2113 ~~[(35)]~~ (36) "Medical cannabis pharmacy agent registration card" means a registration
2114 card issued by the department that authorizes an individual to act as a medical cannabis
2115 pharmacy agent.

2116 ~~[(36)]~~ (37) "Medical cannabis shipment" means ~~[a shipment of medical cannabis or a
2117 medical cannabis product that a home delivery medical cannabis pharmacy or a medical
2118 cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an
2119 electronic medical cannabis order that the state central patient portal facilitates]~~ the same as
2120 that term is defined in Section [4-41a-102](#).

2121 ~~[(37)]~~ (38) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
2122 cannabis product in a medicinal dosage form, or a medical cannabis device.

2123 ~~[(38)]~~ (39) (a) "Medicinal dosage form" means:

2124 (i) for processed medical cannabis or a medical cannabis product, the following with a
2125 specific and consistent cannabinoid content:

2126 (A) a tablet;

2127 (B) a capsule;

2128 (C) a concentrated liquid or viscous oil;

2129 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

2130 (E) a topical preparation;

2131 (F) a transdermal preparation;

2132 (G) a sublingual preparation;

2133 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
2134 rectangular cuboid shape;

2135 (I) a resin or wax; or

2136 (J) an aerosol; or
 2137 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
 2138 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
 2139 stated weight at the time of packaging;
 2140 (B) at any time the medical cannabis cardholder transports or possesses the container in
 2141 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
 2142 and
 2143 (C) is labeled with the container's content and weight, the date of purchase, the legal
 2144 use termination date, and after December 31, 2020, a barcode that provides information
 2145 connected to an inventory control system~~[-and]~~.
 2146 ~~[(iii) a form measured in grams, milligrams, or milliliters.]~~
 2147 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
 2148 (i) the medical cannabis cardholder has recently removed from the container described
 2149 in Subsection ~~[(38)]~~ (39)(a)(ii) for use; and
 2150 (ii) does not exceed the quantity described in Subsection ~~[(38)]~~ (39)(a)(ii).
 2151 (c) "Medicinal dosage form" does not include:
 2152 (i) any unprocessed cannabis flower outside of the container described in Subsection
 2153 ~~[(38)]~~ (39)(a)(ii), except as provided in Subsection ~~[(38)(b)]~~ (39)(b);
 2154 (ii) ~~[any]~~ unprocessed cannabis flower in a container described in Subsection ~~[(38)]~~
 2155 (39)(a)(ii) after the legal use termination date;
 2156 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
 2157 on a nail or other metal object that is heated by a flame, including a blowtorch; ~~[or]~~
 2158 (iv) a liquid suspension that is branded as a beverage~~[-]; or~~
 2159 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not
 2160 measured in grams, milligrams, or milliliters.
 2161 ~~[(39)]~~ (40) "Nonresident patient" means an individual who:
 2162 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
 2163 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
 2164 card under the laws of another state, district, territory, commonwealth, or insular possession of
 2165 the United States; and
 2166 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.

2167 [~~(40)~~] (41) "Payment provider" means an entity that contracts with a cannabis
2168 production establishment or medical cannabis pharmacy to facilitate transfers of funds between
2169 the establishment or pharmacy and other businesses or individuals.

2170 [~~(41)~~] (42) "Pharmacy medical provider" means the medical provider required to be on
2171 site at a medical cannabis pharmacy under Section [26-61a-403](#).

2172 [~~(42)~~] (43) "Provisional patient card" means a card that:

2173 (a) the department issues to a minor with a qualifying condition for whom:

2174 (i) a recommending medical provider has recommended a medical cannabis treatment;

2175 and

2176 (ii) the department issues a medical cannabis guardian card to the minor's parent or
2177 legal guardian; and

2178 (b) is connected to the electronic verification system.

2179 [~~(43)~~] (44) "Qualified medical provider" means an individual:

2180 (a) who meets the recommending qualifications; and

2181 (b) whom the department registers to recommend treatment with cannabis in a
2182 medicinal dosage form under Section [26-61a-106](#).

2183 [~~(44)~~] (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in
2184 Section [26-61a-109](#).

2185 [~~(45)~~] (46) "Qualifying condition" means a condition described in Section [26-61a-104](#).

2186 [~~(46)~~] (47) "Recommend" or "recommendation" means, for a recommending medical
2187 provider, the act of suggesting the use of medical cannabis treatment, which:

2188 (a) certifies the patient's eligibility for a medical cannabis card; and

2189 (b) may include, at the recommending medical provider's discretion, directions of use,
2190 with or without dosing guidelines.

2191 [~~(47)~~] (48) "Recommending medical provider" means a qualified medical provider or a
2192 limited medical provider.

2193 [~~(48)~~] (49) "Recommending qualifications" means that an individual:

2194 (a) (i) has the authority to write a prescription;

2195 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2196 Controlled Substances Act; and

2197 (iii) possesses the authority, in accordance with the individual's scope of practice, to

2198 prescribe a Schedule II controlled substance; and

2199 (b) is licensed as:

2200 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2201 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
2202 Act;

2203 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
2204 Chapter 68, Utah Osteopathic Medical Practice Act; or

2205 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

2206 [~~49~~] (50) "State central patient portal" means the website the department creates, in
2207 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic
2208 medical cannabis order.

2209 [~~50~~] (51) "State central patient portal medical provider" means a physician or
2210 pharmacist that the department employs in relation to the state central patient portal to consult
2211 with medical cannabis cardholders in accordance with Section 26-61a-602.

2212 [~~51~~] (52) "State electronic verification system" means the system described in Section
2213 26-61a-103.

2214 [~~52~~] (53) "Tetrahydrocannabinol" or "THC" means a substance derived from
2215 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

2216 [~~53~~] (54) "THC analog" means the same as that term is defined in Section 4-41-102.

2217 [~~54~~] (55) "Valid form of photo identification" means any of the following forms of
2218 identification that is either current or has expired within the previous six months:

2219 (a) a valid state-issued driver license or identification card;

2220 (b) a valid United States federal-issued photo identification, including:

2221 (i) a United States passport;

2222 (ii) a United States passport card;

2223 (iii) a United States military identification card; or

2224 (iv) a permanent resident card or alien registration receipt card; or

2225 (c) a passport that another country issued.

2226 Section 30. Section 26-61a-103 is amended to read:

2227 **26-61a-103. Electronic verification system.**

2228 (1) The Department of Agriculture and Food, the department, the Department of Public

2229 Safety, and the Division of Technology Services shall:

2230 (a) enter into a memorandum of understanding in order to determine the function and
2231 operation of the state electronic verification system in accordance with Subsection (2);

2232 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
2233 Procurement Code, to develop a request for proposals for a third-party provider to develop and
2234 maintain the state electronic verification system in coordination with the Division of
2235 Technology Services; and

2236 (c) select a third-party provider who:

2237 (i) meets the requirements contained in the request for proposals issued under
2238 Subsection (1)(b); and

2239 (ii) may not have any commercial or ownership interest in a cannabis production
2240 establishment or a medical cannabis pharmacy.

2241 (2) The Department of Agriculture and Food, the department, the Department of Public
2242 Safety, and the Division of Technology Services shall ensure that~~[, on or before March 1,~~
2243 ~~2020,]~~ the state electronic verification system described in Subsection (1):

2244 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
2245 medical cannabis guardian card, provided that the card may not become active until:

2246 (i) the relevant qualified medical provider completes the associated medical cannabis
2247 recommendation; or

2248 (ii) for a medical cannabis card related to a limited medical provider's
2249 recommendation, the medical cannabis pharmacy completes the recording described in
2250 Subsection (2)(d);

2251 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
2252 cannabis guardian card in accordance with Section [26-61a-201](#);

2253 (c) allows a qualified medical provider, or an employee described in Subsection (3)
2254 acting on behalf of the qualified medical provider, to:

2255 (i) access dispensing and card status information regarding a patient:

2256 (A) with whom the qualified medical provider has a provider-patient relationship; and

2257 (B) for whom the qualified medical provider has recommended or is considering
2258 recommending a medical cannabis card;

2259 (ii) electronically recommend, after an initial face-to-face visit with a patient described

2260 in Subsection [26-61a-201\(4\)\(a\)\(iii\)](#), treatment with cannabis in a medicinal dosage form or a
2261 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and

2262 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
2263 medical cannabis guardian cardholder:

2264 (A) using telehealth services, for the qualified medical provider who originally
2265 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

2266 (B) during a face-to-face visit with the patient, for a qualified medical provider who
2267 did not originally recommend the medical cannabis treatment during a face-to-face visit[-]

2268 (d) [~~beginning on the earlier of September 1, 2021, or the date on which the electronic~~
2269 ~~verification system is functionally capable of facility medical cannabis pharmacy recording,]~~

2270 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
2271 accordance with Subsection [~~26-61a-501(10)(a),~~] [4-41a-1101\(10\)\(a\)](#), to:

2272 (i) access the electronic verification system to review the history within the system of a
2273 patient with whom the provider or agent is interacting, limited to read-only access for medical
2274 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
2275 authorizes add and edit access;

2276 (ii) record a patient's recommendation from a limited medical provider, including any
2277 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
2278 and

2279 (iii) record a limited medical provider's renewal of the provider's previous
2280 recommendation;

2281 (e) connects with:

2282 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
2283 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
2284 medicinal dosage form, or a medical cannabis device, including:

2285 (A) the time and date of each purchase;

2286 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
2287 purchased;

2288 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
2289 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
2290 device; and

2291 (D) the personally identifiable information of the medical cannabis cardholder who
2292 made the purchase; and

2293 (ii) any commercially available inventory control system that a cannabis production
2294 establishment utilizes in accordance with Section [4-41a-103](#) to use data that the Department of
2295 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
2296 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
2297 track and confirm compliance;

2298 (f) provides access to:

2299 (i) the department to the extent necessary to carry out the department's functions and
2300 responsibilities under this chapter;

2301 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
2302 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
2303 41a, Cannabis Production Establishments; and

2304 (iii) the Division of Professional Licensing to the extent necessary to carry out the
2305 functions and responsibilities related to the participation of the following in the
2306 recommendation and dispensing of medical cannabis:

2307 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
2308 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
2309 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2310 Practice Act;

2311 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2312 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

2313 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
2314 Act;

2315 (g) provides access to and interaction with the state central patient portal;

2316 (h) communicates dispensing information from a record that a medical cannabis
2317 pharmacy submits to the state electronic verification system under Subsection
2318 ~~[26-61a-502(6)(a)(ii)]~~ [4-41a-1102\(3\)\(a\)\(ii\)](#) to the controlled substance database;

2319 (i) provides access to state or local law enforcement:

2320 (i) during a law enforcement encounter, without a warrant, using the individual's driver
2321 license or state ID, only for the purpose of determining if the individual subject to the law

2322 enforcement encounter has a valid medical cannabis card; or

2323 (ii) after obtaining a warrant; and

2324 (j) creates a record each time a person accesses the system that identifies the person
2325 who accesses the system and the individual whose records the person accesses.

2326 (3) (a) [~~Beginning on the earlier of September 1, 2021, or the date on which the~~
2327 ~~electronic verification system is functionally capable of allowing employee access under this~~
2328 ~~Subsection (3), an~~ An employee of a qualified medical provider may access the electronic
2329 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
2330 medical provider if:

2331 (i) the qualified medical provider has designated the employee as an individual
2332 authorized to access the electronic verification system on behalf of the qualified medical
2333 provider;

2334 (ii) the qualified medical provider provides written notice to the department of the
2335 employee's identity and the designation described in Subsection (3)(a)(i); and

2336 (iii) the department grants to the employee access to the electronic verification system.

2337 (b) An employee of a business that employs a qualified medical provider may access
2338 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
2339 qualified medical provider if:

2340 (i) the qualified medical provider has designated the employee as an individual
2341 authorized to access the electronic verification system on behalf of the qualified medical
2342 provider;

2343 (ii) the qualified medical provider and the employing business jointly provide written
2344 notice to the department of the employee's identity and the designation described in Subsection
2345 (3)(b)(i); and

2346 (iii) the department grants to the employee access to the electronic verification system.

2347 (4) (a) As used in this Subsection (4), "prescribing provider" means:

2348 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2349 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2350 Practice Act;

2351 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2352 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

- 2353 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2354 Assistant Act.
- 2355 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
2356 verification system is functionally capable of allowing provider access under this Subsection
2357 (4), a prescribing provider may access information in the electronic verification system
2358 regarding a patient the prescribing provider treats.
- 2359 (5) The department may release limited data that the system collects for the purpose of:
2360 (a) conducting medical and other department approved research;
2361 (b) providing the report required by Section 26-61a-703; and
2362 (c) other official department purposes.
- 2363 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2364 Administrative Rulemaking Act, to establish:
- 2365 (a) the limitations on access to the data in the state electronic verification system as
2366 described in this section; and
2367 (b) standards and procedures to ensure accurate identification of an individual
2368 requesting information or receiving information in this section.
- 2369 (7) (a) Any person who knowingly and intentionally releases any information in the
2370 state electronic verification system in violation of this section is guilty of a third degree felony.
2371 (b) Any person who negligently or recklessly releases any information in the state
2372 electronic verification system in violation of this section is guilty of a class C misdemeanor.
- 2373 (8) (a) Any person who obtains or attempts to obtain information from the state
2374 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.
2375 (b) Any person who obtains or attempts to obtain information from the state electronic
2376 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
2377 degree felony.
- 2378 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
2379 intentionally use, release, publish, or otherwise make available to any other person information
2380 obtained from the state electronic verification system for any purpose other than a purpose
2381 specified in this section.
- 2382 (b) Each separate violation of this Subsection (9) is:
2383 (i) a third degree felony; and

2384 (ii) subject to a civil penalty not to exceed \$5,000.

2385 (c) The department shall determine a civil violation of this Subsection (9) in
2386 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2387 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
2388 General Fund.

2389 (e) This Subsection (9) does not prohibit a person who obtains information from the
2390 state electronic verification system under Subsection (2)(a), (c), or (f) from:

2391 (i) including the information in the person's medical chart or file for access by a person
2392 authorized to review the medical chart or file;

2393 (ii) providing the information to a person in accordance with the requirements of the
2394 Health Insurance Portability and Accountability Act of 1996; or

2395 (iii) discussing or sharing that information about the patient with the patient.

2396 Section 31. Section **26-61a-105** is amended to read:

2397 **26-61a-105. Compassionate Use Board.**

2398 (1) (a) The department shall establish a Compassionate Use Board consisting of:

2399 (i) seven qualified medical providers that the executive director appoints and the
2400 Senate confirms:

2401 (A) who are knowledgeable about the medicinal use of cannabis;

2402 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
2403 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2404 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine
2405 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,
2406 pediatrics, or gastroenterology; and

2407 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
2408 executive director or the director's designee.

2409 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
2410 the executive director shall ensure that at least two have a board certification in pediatrics.

2411 (2) (a) Of the members of the Compassionate Use Board that the executive director
2412 first appoints:

2413 (i) three shall serve an initial term of two years; and

2414 (ii) the remaining members shall serve an initial term of four years.

- 2415 (b) After an initial term described in Subsection (2)(a) expires:
- 2416 (i) each term is four years; and
- 2417 (ii) each board member is eligible for reappointment.
- 2418 (c) A member of the Compassionate Use Board may serve until a successor is
- 2419 appointed.
- 2420 (3) Four members constitute a quorum of the Compassionate Use Board.
- 2421 (4) A member of the Compassionate Use Board may receive:
- 2422 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
- 2423 service; and
- 2424 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
- 2425 Division of Finance in accordance with Section 63A-3-107.
- 2426 (5) The Compassionate Use Board shall:
- 2427 (a) review and recommend for department approval a petition to the board regarding an
- 2428 individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection
- 2429 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
- 2430 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
- 2431 period of validity, if:
- 2432 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
- 2433 the individual's qualified medical provider is actively treating the individual for an intractable
- 2434 condition that:
- 2435 (A) substantially impairs the individual's quality of life; and
- 2436 (B) has not, in the qualified medical provider's professional opinion, adequately
- 2437 responded to conventional treatments;
- 2438 (ii) the qualified medical provider:
- 2439 (A) recommends that the individual or minor be allowed to use medical cannabis; and
- 2440 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
- 2441 describing relevant treatment history including rationale for considering the use of medical
- 2442 cannabis; and
- 2443 (iii) the Compassionate Use Board determines that:
- 2444 (A) the recommendation of the individual's qualified medical provider is justified; and
- 2445 (B) based on available information, it may be in the best interests of the individual to

2446 allow the use of medical cannabis;

2447 (b) review and approve or deny the use of a medical cannabis device for an individual
2448 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection
2449 26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the
2450 individual or minor be allowed to use a medical cannabis device to vaporize the medical
2451 cannabis treatment;

2452 (c) unless no petitions are pending:

2453 (i) meet to receive or review compassionate use petitions at least quarterly; and

2454 (ii) if there are more petitions than the board can receive or review during the board's
2455 regular schedule, as often as necessary;

2456 (d) except as provided in Subsection (6), complete a review of each petition and
2457 recommend to the department approval or denial of the applicant for qualification for a medical
2458 cannabis card within 90 days after the day on which the board received the petition;

2459 (e) consult with the department regarding the criteria described in Subsection (6); and

2460 (f) report, before November 1 of each year, to the Health and Human Services Interim
2461 Committee:

2462 (i) the number of compassionate use recommendations the board issued during the past
2463 year; and

2464 (ii) the types of conditions for which the board recommended compassionate use.

2465 (6) The department shall make rules, in consultation with the Compassionate Use
2466 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
2467 establish a process and criteria for a petition to the board to automatically qualify for expedited
2468 final review and approval or denial by the department in cases where, in the determination of
2469 the department and the board:

2470 (a) time is of the essence;

2471 (b) engaging the full review process would be unreasonable in light of the petitioner's
2472 physical condition; and

2473 (c) sufficient factors are present regarding the petitioner's safety.

2474 (7) (a) (i) The department shall review:

2475 (A) any compassionate use for which the Compassionate Use Board recommends

2476 approval under Subsection (5)(d) to determine whether the board properly exercised the board's

2477 discretion under this section; and

2478 (B) any expedited petitions the department receives under the process described in
2479 Subsection (6).

2480 (ii) If the department determines that the Compassionate Use Board properly exercised
2481 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited
2482 petition merits approval based on the criteria established in accordance with Subsection (6), the
2483 department shall:

2484 (A) issue the relevant medical cannabis card; and

2485 (B) provide for the renewal of the medical cannabis card in accordance with the
2486 recommendation of the qualified medical provider described in Subsection (5)(a).

2487 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),
2488 the individual seeking to obtain a medical cannabis card may petition the department to review
2489 the board's decision.

2490 (ii) If the department determines that the Compassionate Use Board's recommendation
2491 for denial under Subsection (5)(d) was arbitrary or capricious:

2492 (A) the department shall notify the Compassionate Use Board of the department's
2493 determination; and

2494 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend
2495 approval under this section.

2496 (c) In reviewing the Compassionate Use Board's recommendation for approval or
2497 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
2498 presume the board properly exercised the board's discretion unless the department determines
2499 that the board's recommendation was arbitrary or capricious.

2500 (8) Any individually identifiable health information contained in a petition that the
2501 Compassionate Use Board or department receives under this section is a protected record in
2502 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

2503 (9) The Compassionate Use Board shall annually report the board's activity to the
2504 Cannabis Research Review Board and the advisory board.

2505 Section 32. Section **26-61a-106** is amended to read:

2506 **26-61a-106. Qualified medical provider registration -- Continuing education --**
2507 **Treatment recommendation -- Limited medical provider.**

2508 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
2509 medical cannabis treatment unless the department registers the individual as a qualified
2510 medical provider in accordance with this section.

2511 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
2512 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
2513 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
2514 term is defined in Section [58-5a-102](#).

2515 (b) Beginning on the earlier of September 1, 2021, or the date on which the department
2516 gives notice that the electronic verification system is functionally capable as described in
2517 Subsection [26-61a-103\(2\)\(d\)](#), an individual who meets the recommending qualifications may
2518 recommend a medical cannabis treatment as a limited medical provider without registering
2519 under Subsection (1)(a) if:

2520 (i) the individual recommends the use of medical cannabis to the patient through an
2521 order described in Subsection (1)(c) after:

2522 (A) a face-to-face visit for an initial recommendation or the renewal of a
2523 recommendation for a patient for whom the limited medical provider did not make the patient's
2524 original recommendation; or

2525 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
2526 whom the limited medical provider made the patient's original recommendation; and

2527 (ii) the individual's recommendation or renewal would not cause the total number of
2528 the individual's patients who have a valid medical cannabis patient card or provisional patient
2529 card resulting from the individual's recommendation to exceed 15.

2530 (c) The individual described in Subsection (1)(b) shall communicate the individual's
2531 recommendation through an order for the medical cannabis pharmacy to record the individual's
2532 recommendation or renewal in the state electronic verification system under the individual's
2533 recommendation that:

2534 (i) (A) that the individual or the individual's employee sends electronically to a medical
2535 cannabis pharmacy; or

2536 (B) that the individual gives to the patient in writing for the patient to deliver to a
2537 medical cannabis pharmacy; and

2538 (ii) may include:

- 2539 (A) directions of use or dosing guidelines; and
- 2540 (B) an indication of a need for a caregiver in accordance with Subsection
- 2541 [26-61a-201\(3\)\(c\)](#).
- 2542 (d) If the limited medical provider gives the patient a written recommendation to
- 2543 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
- 2544 provider shall ensure that the document includes all of the information that is included on a
- 2545 prescription the provider would issue for a controlled substance, including:
- 2546 (i) the date of issuance;
- 2547 (ii) the provider's name, address and contact information, controlled substance license
- 2548 information, and signature; and
- 2549 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
- 2550 condition.
- 2551 (e) In considering making a recommendation as a limited medical provider, an
- 2552 individual may consult information that the department makes available on the department's
- 2553 website for recommending providers.
- 2554 (2) (a) The department shall, within 15 days after the day on which the department
- 2555 receives an application from an individual, register and issue a qualified medical provider
- 2556 registration card to the individual if the individual:
- 2557 (i) provides to the department the individual's name and address;
- 2558 (ii) provides to the department a report detailing the individual's completion of the
- 2559 applicable continuing education requirement described in Subsection (3);
- 2560 (iii) provides to the department evidence that the individual meets the recommending
- 2561 qualifications;
- 2562 (iv) for an applicant on or after November 1, 2021, provides to the department the
- 2563 information described in Subsection (10)(a); and
- 2564 (v) pays the department a fee in an amount that:
- 2565 (A) the department sets, in accordance with Section [63J-1-504](#); and
- 2566 (B) does not exceed \$300 for an initial registration.
- 2567 (b) The department may not register an individual as a qualified medical provider if the
- 2568 individual is:
- 2569 (i) a pharmacy medical provider; or

2570 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
2571 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

2572 (3) (a) An individual shall complete the continuing education described in this
2573 Subsection (3) in the following amounts:

2574 (i) for an individual as a condition precedent to registration, four hours; and

2575 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
2576 every two years.

2577 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

2578 (i) complete continuing education:

2579 (A) regarding the topics described in Subsection (3)(d); and

2580 (B) offered by the department under Subsection (3)(c) or an accredited or approved
2581 continuing education provider that the department recognizes as offering continuing education
2582 appropriate for the recommendation of cannabis to patients; and

2583 (ii) make a continuing education report to the department in accordance with a process
2584 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
2585 Administrative Rulemaking Act, and in collaboration with the Division of Professional
2586 Licensing and:

2587 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
2588 Act, the Podiatric Physician Board;

2589 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
2590 Nurse Practice Act, the Board of Nursing;

2591 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
2592 Practice Act, the Physicians Licensing Board;

2593 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
2594 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
2595 and

2596 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2597 Assistant Act, the Physician Assistant Licensing Board.

2598 (c) The department may, in consultation with the Division of Professional Licensing,
2599 develop the continuing education described in this Subsection (3).

2600 (d) The continuing education described in this Subsection (3) may discuss:

- 2601 (i) the provisions of this chapter;
- 2602 (ii) general information about medical cannabis under federal and state law;
- 2603 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
- 2604 including risks and benefits;
- 2605 (iv) recommendations for medical cannabis as it relates to the continuing care of a
- 2606 patient in pain management, risk management, potential addiction, or palliative care; and
- 2607 (v) best practices for recommending the form and dosage of medical cannabis products
- 2608 based on the qualifying condition underlying a medical cannabis recommendation.
- 2609 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
- 2610 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
- 2611 patients at the same time, as determined by the number of medical cannabis cards under the
- 2612 qualified medical provider's name in the state electronic verification system.
- 2613 (b) A qualified medical provider may recommend a medical cannabis treatment to up
- 2614 to 600 of the qualified medical provider's patients at any given time, as determined by the
- 2615 number of medical cannabis cards under the qualified medical provider's name in the state
- 2616 electronic verification system, if:
- 2617 (i) the appropriate American medical board has certified the qualified medical provider
- 2618 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
- 2619 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
- 2620 psychiatry; or
- 2621 (ii) a licensed business employs or contracts with the qualified medical provider for the
- 2622 specific purpose of providing hospice and palliative care.
- 2623 (5) A recommending medical provider may recommend medical cannabis to an
- 2624 individual under this chapter only in the course of a provider-patient relationship after the
- 2625 recommending medical provider has completed and documented in the patient's medical record
- 2626 a thorough assessment of the patient's condition and medical history based on the appropriate
- 2627 standard of care for the patient's condition.
- 2628 (6) (a) Except as provided in Subsection (6)(b), [~~an individual~~] a person may not
- 2629 advertise that the [~~individual~~] person or the person's employee recommends a medical cannabis
- 2630 treatment.
- 2631 (b) Notwithstanding Subsection (6)(a) and [~~subject to Section 26-61a-116~~] Section

2632 [4-41a-109](#), a qualified medical provider or clinic or office that employs a qualified medical
2633 provider may advertise the following:

- 2634 (i) a green cross;
- 2635 (ii) the provider's or clinic's name and logo;
- 2636 (iii) a qualifying condition that the individual treats;
- 2637 (iv) that the individual is registered as a qualified medical provider and recommends
2638 medical cannabis; or
- 2639 (v) a scientific study regarding medical cannabis use.

2640 (7) (a) A qualified medical provider registration card expires two years after the day on
2641 which the department issues the card.

2642 (b) The department shall renew a qualified medical provider's registration card if the
2643 provider:

- 2644 (i) applies for renewal;
- 2645 (ii) is eligible for a qualified medical provider registration card under this section,
2646 including maintaining an unrestricted license under the recommending qualifications;
- 2647 (iii) certifies to the department in a renewal application that the information in
2648 Subsection (2)(a) is accurate or updates the information;
- 2649 (iv) submits a report detailing the completion of the continuing education requirement
2650 described in Subsection (3); and
- 2651 (v) pays the department a fee in an amount that:
 - 2652 (A) the department sets, in accordance with Section [63J-1-504](#); and
 - 2653 (B) does not exceed \$50 for a registration renewal.

2654 (8) The department may revoke the registration of a qualified medical provider who
2655 fails to maintain compliance with the requirements of this section.

2656 (9) A recommending medical provider may not receive any compensation or benefit for
2657 the qualified medical provider's medical cannabis treatment recommendation from:

- 2658 (a) a cannabis production establishment or an owner, officer, director, board member,
2659 employee, or agent of a cannabis production establishment;
- 2660 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
2661 employee, or agent of a medical cannabis pharmacy; or
- 2662 (c) a recommending medical provider or pharmacy medical provider.

2663 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
2664 the department, in a manner designated by the department:

2665 (i) if applicable, that the qualified medical provider or the entity that employs the
2666 qualified medical provider represents online or on printed material that the qualified medical
2667 provider is a qualified medical provider or offers medical cannabis recommendations to
2668 patients; and

2669 (ii) the fee amount that the qualified medical provider or the entity that employs the
2670 qualified medical provider charges a patient for a medical cannabis recommendation, either as
2671 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

2672 (b) The department shall:

2673 (i) ensure that the following information related to qualified medical providers and
2674 entities described in Subsection (10)(a)(i) is available on the department's website or on the
2675 health care price transparency tool under Subsection (10)(b)(ii):

2676 (A) the name of the qualified medical provider and, if applicable, the name of the
2677 entity that employs the qualified medical provider;

2678 (B) the address of the qualified medical provider's office or, if applicable, the entity
2679 that employs the qualified medical provider; and

2680 (C) the fee amount described in Subsection (10)(a)(ii); and

2681 (ii) share data collected under this Subsection (10) with the state auditor for use in the
2682 health care price transparency tool described in Section [67-3-11](#).

2683 Section 33. Section **26-61a-109** is amended to read:

2684 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
2685 **-- Uniform fee.**

2686 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise
2687 Fund."

2688 (2) The fund created in this section is funded from:

2689 (a) money the department deposits into the fund under this chapter;

2690 (b) appropriations the Legislature makes to the fund; and

2691 (c) the interest described in Subsection (3).

2692 (3) Interest earned on the fund shall be deposited into the fund.

2693 (4) The department may only use money in the fund to fund the department's

2694 responsibilities under this chapter.

2695 (5) The department shall set fees authorized under this chapter in amounts that the
2696 department anticipates are necessary, in total, to cover the department's cost to implement this
2697 chapter.

2698 (6) The department may impose a uniform fee on each medical cannabis transaction in
2699 a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets
2700 in accordance with Section 63J-1-504.

2701 Section 34. Section **26-61a-201** is amended to read:

2702 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
2703 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

2704 (1) (a) The department shall, within 15 days after the day on which an individual who
2705 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in
2706 accordance with this section or Section 26-61a-202:

2707 (i) issue a medical cannabis patient card to an individual described in Subsection

2708 (2)(a);

2709 (ii) issue a medical cannabis guardian card to an individual described in Subsection

2710 (2)(b);

2711 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

2712 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
2713 26-61a-202(4).

2714 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
2715 electronic verification system is functionally capable of facilitating a conditional medical
2716 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
2717 provider's medical cannabis recommendation for a patient in the state electronic verification
2718 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
2719 medical provider or medical cannabis pharmacy in accordance with Subsection
2720 ~~[26-61a-501(10)(a)]~~ 4-41a-1101(10)(a), the department shall issue to the patient an electronic
2721 conditional medical cannabis card, in accordance with this Subsection (1)(b).

2722 (ii) A conditional medical cannabis card is valid for the lesser of:

2723 (A) 60 days; or

2724 (B) the day on which the department completes the department's review and issues a

2725 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
2726 application, or revokes the conditional medical cannabis card under Subsection (8).

2727 (iii) The department may issue a conditional medical cannabis card to an individual
2728 applying for a medical cannabis patient card for which approval of the Compassionate Use
2729 Board is not required.

2730 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2731 obligations under law applicable to a holder of the medical cannabis card for which the
2732 individual applies and for which the department issues the conditional medical cannabis card.

2733 (2) (a) An individual is eligible for a medical cannabis patient card if:

2734 (i) (A) the individual is at least 21 years old; or

2735 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
2736 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
2737 department approval of the petition;

2738 (ii) the individual is a Utah resident;

2739 (iii) the individual's recommending medical provider recommends treatment with
2740 medical cannabis in accordance with Subsection (4);

2741 (iv) the individual signs an acknowledgment stating that the individual received the
2742 information described in Subsection (9); and

2743 (v) the individual pays to the department a fee in an amount that, subject to Subsection
2744 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2745 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

2746 (A) is at least 18 years old;

2747 (B) is a Utah resident;

2748 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
2749 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
2750 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
2751 department approval of the petition;

2752 (D) the individual signs an acknowledgment stating that the individual received the
2753 information described in Subsection (9);

2754 (E) pays to the department a fee in an amount that, subject to Subsection
2755 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the

2756 criminal background check described in Section 26-61a-203; and

2757 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
2758 offense under either state or federal law, unless the individual completed any imposed sentence
2759 six months or more before the day on which the individual applies for a medical cannabis
2760 guardian card.

2761 (ii) The department shall notify the Department of Public Safety of each individual that
2762 the department registers for a medical cannabis guardian card.

2763 (c) (i) A minor is eligible for a provisional patient card if:

2764 (A) the minor has a qualifying condition;

2765 (B) the minor's qualified medical provider recommends a medical cannabis treatment
2766 to address the minor's qualifying condition;

2767 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
2768 Board under Section 26-61a-105, and the Compassionate Use Board recommends department
2769 approval of the petition; and

2770 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
2771 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
2772 medical cannabis caregiver card under Section 26-61a-202.

2773 (ii) The department shall automatically issue a provisional patient card to the minor
2774 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
2775 guardian card to the minor's parent or legal guardian.

2776 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic
2777 verification system is functionally capable of servicing the designation, if the parent or legal
2778 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
2779 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
2780 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
2781 the minor has adequate and safe access to the recommended medical cannabis treatment.

2782 (3) (a) An individual who is eligible for a medical cannabis card described in
2783 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
2784 department:

2785 (i) through an electronic application connected to the state electronic verification
2786 system;

- 2787 (ii) with the recommending medical provider; and
2788 (iii) with information including:
2789 (A) the applicant's name, gender, age, and address;
2790 (B) the number of the applicant's valid form of photo identification;
2791 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2792 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
2793 and
2794 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
2795 holds the associated medical cannabis guardian card.
- 2796 (b) The department shall ensure that a medical cannabis card the department issues
2797 under this section contains the information described in Subsection (3)(a)(iii).
- 2798 (c) (i) If a recommending medical provider determines that, because of age, illness, or
2799 disability, a medical cannabis patient cardholder requires assistance in administering the
2800 medical cannabis treatment that the recommending medical provider recommends, the
2801 recommending medical provider may indicate the cardholder's need in the state electronic
2802 verification system, either directly or, for a limited medical provider, through the order
2803 described in Subsections 26-61a-106(1)(c) and (d).
- 2804 (ii) If a recommending medical provider makes the indication described in Subsection
2805 (3)(c)(i):
- 2806 (A) the department shall add a label to the relevant medical cannabis patient card
2807 indicating the cardholder's need for assistance;
- 2808 (B) any adult who is 18 years old or older and who is physically present with the
2809 cardholder at the time the cardholder needs to use the recommended medical cannabis
2810 treatment may handle the medical cannabis treatment and any associated medical cannabis
2811 device as needed to assist the cardholder in administering the recommended medical cannabis
2812 treatment; and
- 2813 (C) an individual of any age who is physically present with the cardholder in the event
2814 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle
2815 the medical cannabis treatment and any associated medical cannabis device as needed to assist
2816 the cardholder in administering the recommended medical cannabis treatment.
- 2817 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

2818 (A) ingest or inhale medical cannabis;

2819 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside

2820 of the immediate area where the cardholder is present or with an intent other than to provide

2821 assistance to the cardholder; or

2822 (C) possess, transport, or handle medical cannabis or a medical cannabis device when

2823 the cardholder is not in the process of being dosed with medical cannabis.

2824 (4) To recommend a medical cannabis treatment to a patient or to renew a

2825 recommendation, a recommending medical provider shall:

2826 (a) before recommending or renewing a recommendation for medical cannabis in a

2827 medicinal dosage form or a cannabis product in a medicinal dosage form:

2828 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal

2829 guardian's valid form of identification described in Subsection (3)(a);

2830 (ii) review any record related to the patient and, for a minor patient, the patient's parent

2831 or legal guardian in:

2832 (A) for a qualified medical provider, the state electronic verification system; and

2833 (B) the controlled substance database created in Section 58-37f-201; and

2834 (iii) consider the recommendation in light of the patient's qualifying condition, history

2835 of substance use or opioid use disorder, and history of medical cannabis and controlled

2836 substance use during an initial face-to-face visit with the patient; and

2837 (b) state in the recommending medical provider's recommendation that the patient:

2838 (i) suffers from a qualifying condition, including the type of qualifying condition; and

2839 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis

2840 product in a medicinal dosage form.

2841 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the

2842 department issues under this section is valid for the lesser of:

2843 (i) an amount of time that the recommending medical provider determines; or

2844 (ii) (A) six months for the first issuance, and, except as provided in Subsection

2845 (5)(a)(ii)(B), for a renewal; or

2846 (B) for a renewal, one year if, after at least one year following the issuance of the

2847 original medical cannabis card, the recommending medical provider determines that the patient

2848 has been stabilized on the medical cannabis treatment and a one-year renewal period is

2849 justified.

2850 (b) (i) A medical cannabis card that the department issues in relation to a terminal
2851 illness described in Section 26-61a-104 expires after one year.

2852 (ii) The recommending medical provider may revoke a recommendation that the
2853 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical
2854 cannabis cardholder no longer has the terminal illness.

2855 (c) A medical cannabis card that the department issues in relation to acute pain as
2856 described in Section 26-61a-104 expires 30 days after the day on which the department first
2857 issues a conditional or full medical cannabis card.

2858 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
2859 renewable if:

2860 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
2861 (b); or

2862 (ii) the cardholder received the medical cannabis card through the recommendation of
2863 the Compassionate Use Board under Section 26-61a-105.

2864 (b) The recommending medical provider who made the underlying recommendation
2865 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card
2866 through phone or video conference with the cardholder, at the recommending medical
2867 provider's discretion.

2868 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
2869 shall pay to the department a renewal fee in an amount that:

2870 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
2871 63J-1-504; and

2872 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
2873 comparison to the original application process.

2874 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2875 patient card renews automatically at the time the minor's parent or legal guardian renews the
2876 parent or legal guardian's associated medical cannabis guardian card.

2877 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
2878 cannabis card with the patient's name.

2879 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may

2880 purchase, in accordance with this chapter and the recommendation underlying the card,
2881 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
2882 medical cannabis device.

2883 (ii) A cardholder under this section may possess or transport, in accordance with this
2884 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
2885 cannabis product in a medicinal dosage form, or a medical cannabis device.

2886 (iii) To address the qualifying condition underlying the medical cannabis treatment
2887 recommendation:

2888 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
2889 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
2890 or a medical cannabis device; and

2891 (B) a medical cannabis guardian cardholder may assist the associated provisional
2892 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
2893 product in a medicinal dosage form, or a medical cannabis device.

2894 (8) The department may revoke a medical cannabis card that the department issues
2895 under this section if the cardholder:

2896 (a) violates this chapter; or

2897 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution
2898 offense.

2899 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2900 Utah Administrative Rulemaking Act, a process to provide information regarding the following
2901 to an individual receiving a medical cannabis card:

2902 (a) risks associated with medical cannabis treatment;

2903 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2904 medical cannabis treatment is an effective treatment or cure for that condition, as described in
2905 Subsection [26-61a-104\(1\)](#); and

2906 (c) other relevant warnings and safety information that the department determines.

2907 (10) The department may establish procedures by rule, in accordance with Title 63G,
2908 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
2909 provisions of this section.

2910 (11) (a) On or before September 1, 2021, the department shall establish by rule, in

2911 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
2912 an individual from another state to register with the department in order to purchase medical
2913 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
2914 is visiting the state.

2915 (b) The department may only provide the registration process described in Subsection
2916 (11)(a):

2917 (i) to a nonresident patient; and

2918 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
2919 per visitation period.

2920 (12) (a) A person may submit to the department a request to conduct a research study
2921 using medical cannabis cardholder data that the state electronic verification system contains.

2922 (b) The department shall review a request described in Subsection (12)(a) to determine
2923 whether an institutional review board, as that term is defined in Section 26-61-102, could
2924 approve the research study.

2925 (c) At the time an individual applies for a medical cannabis card, the department shall
2926 notify the individual:

2927 (i) of how the individual's information will be used as a cardholder;

2928 (ii) that by applying for a medical cannabis card, unless the individual withdraws
2929 consent under Subsection (12)(d), the individual consents to the use of the individual's
2930 information for external research; and

2931 (iii) that the individual may withdraw consent for the use of the individual's
2932 information for external research at any time, including at the time of application.

2933 (d) An applicant may, through the medical cannabis card application, and a medical
2934 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
2935 cardholder's consent to participate in external research at any time.

2936 (e) The department may release, for the purposes of a study described in this
2937 Subsection (12), information about a cardholder under this section who consents to participate
2938 under Subsection (12)(c).

2939 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
2940 consent:

2941 (i) applies to external research that is initiated after the withdrawal of consent; and

2942 (ii) does not apply to research that was initiated before the withdrawal of consent.

2943 (g) The department may establish standards for a medical research study's validity, by
2944 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2945 (13) The department shall record the issuance or revocation of a medical cannabis card
2946 under this section in the controlled substance database.

2947 Section 35. Section **26-61a-206** is enacted to read:

2948 **26-61a-206. Purchasing and use limitations.**

2949 An individual with a medical cannabis card:

2950 (1) may purchase, in any one 28-day period, up to the legal dosage limit of:

2951 (a) unprocessed cannabis in a medicinal dosage form; and

2952 (b) a cannabis product in a medicinal dosage form;

2953 (2) may not purchase:

2954 (a) more medical cannabis than described in Subsection (1)(a); or

2955 (b) if the relevant recommending medical provider did not recommend directions of
2956 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
2957 accordance with Subsection [26-61a-404\(5\)](#), any medical cannabis; and

2958 (3) may not use a route of administration that the relevant recommending medical
2959 provider or the pharmacy medical provider, in accordance with Subsection [26-61a-404\(5\)](#) or
2960 (6), has not recommended.

2961 Section 36. Section **26-61a-403** is amended to read:

2962 **Part 4. Pharmacy Medical Providers**

2963 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

2964 (1) (a) A medical cannabis pharmacy:

2965 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
2966 Practice Act, as a pharmacy medical provider;

2967 (ii) may employ a physician who has the authority to write a prescription and is
2968 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
2969 Osteopathic Medical Practice Act, as a pharmacy medical provider;

2970 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
2971 works onsite during all business hours; and

2972 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as

2973 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
2974 cannabis pharmacy.

2975 (b) An individual may not serve as a pharmacy medical provider unless the department
2976 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

2977 (2) (a) The department shall, within 15 days after the day on which the department
2978 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
2979 medical provider, register and issue a pharmacy medical provider registration card to the
2980 prospective pharmacy medical provider if the medical cannabis pharmacy:

2981 (i) provides to the department:

2982 (A) the prospective pharmacy medical provider's name and address;

2983 (B) the name and location of the licensed medical cannabis pharmacy where the
2984 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

2985 (C) a report detailing the completion of the continuing education requirement described
2986 in Subsection (3); and

2987 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
2988 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
2989 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
2990 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2991 (ii) pays a fee to the department in an amount that, subject to Subsection
2992 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

2993 (b) The department may not register a recommending medical provider or a state
2994 central patient portal medical provider as a pharmacy medical provider.

2995 (3) (a) A pharmacy medical provider shall complete the continuing education described
2996 in this Subsection (3) in the following amounts:

2997 (i) as a condition precedent to registration, four hours; and

2998 (ii) as a condition precedent to renewal of the registration, four hours every two years.

2999 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

3000 (i) complete continuing education:

3001 (A) regarding the topics described in Subsection (3)(d); and

3002 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3003 continuing education provider that the department recognizes as offering continuing education

3004 appropriate for the medical cannabis pharmacy practice; and
3005 (ii) make a continuing education report to the department in accordance with a process
3006 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3007 Administrative Rulemaking Act, and in collaboration with the Division of Professional
3008 Licensing and:
3009 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
3010 Pharmacy Practice Act, the Board of Pharmacy;
3011 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
3012 Practice Act, the Physicians Licensing Board; and
3013 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
3014 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
3015 (c) The department may, in consultation with the Division of Professional Licensing,
3016 develop the continuing education described in this Subsection (3).
3017 (d) The continuing education described in this Subsection (3) may discuss:
3018 (i) the provisions of this chapter;
3019 (ii) general information about medical cannabis under federal and state law;
3020 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
3021 including risks and benefits;
3022 (iv) recommendations for medical cannabis as it relates to the continuing care of a
3023 patient in pain management, risk management, potential addiction, and palliative care; or
3024 (v) best practices for recommending the form and dosage of a medical cannabis
3025 product based on the qualifying condition underlying a medical cannabis recommendation.
3026 (4) (a) A pharmacy medical provider registration card expires two years after the day
3027 on which the department issues or renews the card.
3028 (b) A pharmacy medical provider may renew the provider's registration card if the
3029 provider:
3030 (i) is eligible for a pharmacy medical provider registration card under this section;
3031 (ii) certifies to the department in a renewal application that the information in
3032 Subsection (2)(a) is accurate or updates the information;
3033 (iii) submits a report detailing the completion of the continuing education requirement
3034 described in Subsection (3); and

3035 (iv) pays to the department a renewal fee in an amount that:

3036 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
3037 Section 63J-1-504; and

3038 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
3039 comparison to the original application process.

3040 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
3041 person or another person dispenses medical cannabis.

3042 (b) Notwithstanding Subsection (5)(a) and ~~[subject to]~~ Section ~~[26-61a-116]~~

3043 4-41a-109, a registered pharmacy medical provider may advertise the following:

3044 (i) a green cross;

3045 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
3046 cannabis; or

3047 (iii) a scientific study regarding medical cannabis use.

3048 Section 37. Section **26-61a-404**, which is renumbered from Section 26-61a-503 is
3049 renumbered and amended to read:

3050 ~~[26-61a-503]~~. **26-61a-404. Partial filling -- Pharmacy medical provider**
3051 **directions of use.**

3052 (1) As used in this section, "partially fill" means to provide less than the full amount of
3053 cannabis or cannabis product that the recommending medical provider recommends, if the
3054 recommending medical provider recommended specific dosing parameters.

3055 (2) A pharmacy medical provider may partially fill a recommendation for a medical
3056 cannabis treatment at the request of the recommending medical provider who issued the
3057 medical cannabis treatment recommendation or the medical cannabis cardholder.

3058 (3) The department shall make rules, in collaboration with the Division of Professional
3059 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
3060 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and
3061 quantity remaining of a partially filled medical cannabis treatment recommendation.

3062 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
3063 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
3064 limits in Subsection ~~[26-61a-502(2)]~~ 4-41a-1102(2), to fill the quantity remaining of a partially
3065 filled medical cannabis treatment recommendation if:

3066 (a) the pharmacy medical provider determined dosing parameters for the partial fill
3067 under Subsection [~~26-61a-502(4) or (5)~~] 4-41a-1102(5) or (6); and

3068 (b) the medical cannabis cardholder reports that:

3069 (i) the partial fill did not substantially affect the qualifying condition underlying the
3070 medical cannabis recommendation; or

3071 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
3072 unable to successfully use the partial fill.

3073 (5) If a recommending medical provider recommends treatment with medical cannabis
3074 but wishes for the pharmacy medical provider to determine directions of use and dosing
3075 guidelines:

3076 (a) the recommending medical provider shall provide to the pharmacy medical
3077 provider, either through the state electronic verification system or through a medical cannabis
3078 pharmacy's recording of a recommendation under the order of a limited medical provider, any
3079 of the following information that the recommending medical provider feels would be needed to
3080 provide appropriate directions of use and dosing guidelines:

3081 (i) information regarding the qualifying condition underlying the recommendation;

3082 (ii) information regarding prior treatment attempts with medical cannabis; and

3083 (iii) portions of the patient's current medication list; and

3084 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
3085 pharmacy medical provider shall:

3086 (i) review pertinent medical records, including the recommending medical provider
3087 documentation described in Subsection (5)(a); and

3088 (ii) unless the pertinent medical records show directions of use and dosing guidelines
3089 from a state central patient portal medical provider in accordance with Subsection (6), after
3090 completing the review described in Subsection (5)(b)(i) and consulting with the recommending
3091 medical provider as needed, determine the best course of treatment through consultation with
3092 the cardholder regarding:

3093 (A) the patient's qualifying condition underlying the recommendation from the
3094 recommending medical provider;

3095 (B) indications for available treatments;

3096 (C) directions of use and dosing guidelines; and

3097 (D) potential adverse reactions.

3098 (6) (a) A state central patient portal medical provider may provide the consultation and
3099 make the determination described in Subsection (5)(b) for a medical cannabis patient
3100 cardholder regarding an electronic order that the state central patient portal facilitates.

3101 (b) The state central patient portal medical provider described in Subsection (6)(a)
3102 shall document the directions of use and dosing guidelines, determined under Subsection (6)(a)
3103 in the pertinent medical records.

3104 Section 38. Section **26-61a-601** is amended to read:

3105 **26-61a-601. State central patient portal -- Department duties.**

3106 (1) [~~On or before July 1, 2020, the~~] The department shall establish or contract to
3107 establish, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central
3108 patient portal as described in this section.

3109 (2) The state central patient portal shall:

3110 (a) authenticate each user to ensure the user is a valid medical cannabis patient
3111 cardholder;

3112 (b) allow a medical cannabis patient cardholder to:

3113 (i) obtain and download the cardholder's medical cannabis card;

3114 (ii) review the cardholder's medical cannabis purchase history; and

3115 (iii) manage the cardholder's personal information, including withdrawing consent for
3116 the use of the cardholder's information for a study described in Subsection [26-61a-201\(12\)](#);

3117 (c) if the cardholder's recommending medical provider recommended the use of
3118 medical cannabis without providing directions of use and dosing guidelines and the cardholder
3119 has not yet received the counseling or consultation required in Subsection [26-61a-502\(4\)](#):

3120 (i) alert the cardholder of the outstanding need for consultation; and

3121 (ii) provide the cardholder with access to the contact information for each state central
3122 patient portal medical provider and each pharmacy medical provider;

3123 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
3124 order:

3125 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

3126 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
3127 person from the pharmacy;

3128 (e) prohibit a patient from completing an electronic medical cannabis order described
3129 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
3130 [~~26-61a-502(2)(a) or (b)~~] 4-41a-1102(2)(a) or (b);

3131 (f) provide educational information to medical cannabis patient cardholders regarding
3132 the state's medical cannabis laws and regulatory programs and other relevant information
3133 regarding medical cannabis; and

3134 (g) allow the patient to designate up to two caregivers who may receive a medical
3135 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
3136 accordance with this chapter.

3137 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
3138 Administrative Rulemaking Act, to implement the state central patient portal.

3139 Section 39. Section **26-61a-602** is amended to read:

3140 **26-61a-602. State central patient portal medical provider.**

3141 (1) In relation to the state central patient portal:

3142 (a) the department may only employ, as a state central patient portal medical provider:

3143 (i) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or

3144 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
3145 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3146 (b) if the department employs a state central patient portal medical provider, the
3147 department shall ensure that a state central patient portal medical provider is available during
3148 normal business hours.

3149 (2) A state central patient portal medical provider may:

3150 (a) provide consultations to medical cannabis cardholders and qualified medical
3151 providers; and

3152 (b) determine dosing parameters in accordance with Subsection [~~26-61a-502(5)~~]
3153 26-61a-404(6).

3154 Section 40. Section **26-61a-701** is amended to read:

3155 **26-61a-701. Enforcement -- Misdemeanor.**

3156 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments[;
3157 and Sections ~~26-61a-502, 26-61a-605, and 26-61a-607~~] and Pharmacies, it is unlawful for a
3158 medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder

3159 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical
3160 cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

3161 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
3162 violates Subsection (1) is:

3163 (i) guilty of a class B misdemeanor; and

3164 (ii) subject to a \$1,000 fine.

3165 (b) An individual is not guilty under Subsection (2)(a) if the individual:

3166 (i) (A) is a designated caregiver; and

3167 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
3168 who designated the individual as a designated caregiver; or

3169 (ii) (A) is a medical cannabis guardian cardholder; and

3170 (B) gives the product described in Subsection (1) to the relevant provisional patient
3171 cardholder.

3172 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
3173 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3174 underlying the violation described in Subsection (2)(a).

3175 Section 41. Section **26-61a-703** is amended to read:

3176 **26-61a-703. Report.**

3177 (1) By the November interim meeting each year beginning in 2020, the department
3178 shall report to the Health and Human Services Interim Committee on:

3179 (a) the number of applications and renewal applications filed for medical cannabis
3180 cards;

3181 (b) the number of qualifying patients and designated caregivers;

3182 (c) the nature of the debilitating medical conditions of the qualifying patients;

3183 (d) the age and county of residence of cardholders;

3184 (e) the number of medical cannabis cards revoked;

3185 (f) the number of practitioners providing recommendations for qualifying patients;

3186 (g) the number of license applications and renewal license applications received;

3187 (h) the number of licenses the department has issued in each county;

3188 (i) the number of licenses the department has revoked;

3189 (j) the quantity of medical cannabis shipments that the state central patient portal

3190 facilitates;

3191 (k) the number of overall purchases of medical cannabis and medical cannabis products
3192 from each medical cannabis pharmacy;

3193 (l) the expenses incurred and revenues generated from the medical cannabis program;
3194 and

3195 (m) an analysis of product availability in medical cannabis pharmacies in consultation
3196 with the Department of Agriculture and Food.

3197 (2) The department may not include personally identifying information in the report
3198 described in this section.

3199 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the
3200 working group described in Section 36-12-8.2 as requested by the working group.

3201 Section 42. Section **26-61a-801** is enacted to read:

3202 **Part 8. Medical Cannabis Policy Advisory Board**

3203 **26-61a-801. Advisory board creation -- Membership.**

3204 (1) There is created within the department the Medical Cannabis Policy Advisory
3205 Board.

3206 (2) (a) The advisory board shall consist of the following members:

3207 (i) appointed by the executive director:

3208 (A) a qualified medical provider who has at least 150 patients who have a medical
3209 cannabis patient card at the time of appointment;

3210 (B) a medical research professional;

3211 (C) a mental health specialist;

3212 (D) an individual who represents an organization that advocates for medical cannabis
3213 patients;

3214 (E) an individual who holds a medical cannabis patient card; and

3215 (F) a member of the general public who does not hold a medical cannabis card; and

3216 (ii) appointed by the commissioner of the Department of Agriculture and Food:

3217 (A) an individual who owns or operates a licensed cannabis cultivation facility;

3218 (B) an individual who owns or operates a licensed medical cannabis pharmacy; and

3219 (C) a law enforcement officer.

3220 (b) The commissioner of the Department of Agriculture and Food shall ensure that at

3221 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or operates a
3222 licensed cannabis processing facility.

3223 (3) (a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a
3224 four year term.

3225 (b) When appointing the initial membership of the advisory board, the executive
3226 director and the commissioner of the Department of Agriculture and Food shall coordinate to
3227 appoint four advisory board members to serve a term of two years to ensure that approximately
3228 half of the board is appointed every two years.

3229 (4) (a) If an advisory board member is no longer able to serve as a member, a new
3230 member shall be appointed in the same manner as the original appointment.

3231 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
3232 remainder of the unexpired term of the original appointment.

3233 (5) (a) A majority of the advisory board members constitutes a quorum.

3234 (b) The action of a majority of a quorum constitutes an action of the advisory board.

3235 (c) The advisory board shall annually designate one of the advisory board's members to
3236 serve as chair for a one-year period.

3237 (6) An advisory board member may not receive compensation or benefits for the
3238 member's service on the advisory board but may receive per diem and reimbursement for travel
3239 expenses incurred as an advisory board member in accordance with:

3240 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

3241 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
3242 [63A-3-107](#).

3243 (7) The department shall:

3244 (a) provide staff support for the advisory board; and

3245 (b) assist the advisory board in conducting meetings.

3246 Section 43. Section **26-61a-802** is enacted to read:

3247 **26-61a-802. Advisory board duties.**

3248 (1) The advisory board may recommend:

3249 (a) to the department or the Department of Agriculture and Food changes to current or
3250 proposed medical cannabis rules or statutes;

3251 (b) to the appropriate legislative committee whether the advisory board supports a

3252 change to medical cannabis statutes.

3253 (2) The advisory board shall:

3254 (a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a,
3255 Cannabis Production Establishments and Pharmacies;

3256 (b) consult with the Department of Agriculture and Food regarding the issuance of an
3257 additional:

3258 (i) cultivation facility license under Section [4-41a-205](#); or

3259 (ii) pharmacy license under Section [4-41a-1005](#);

3260 (c) consult with the department regarding:

3261 (i) qualified medical provider education and requirements; and

3262 (ii) cannabis patient education;

3263 (d) consult regarding the reasonableness of any fees set by the department or the Utah
3264 Department of Agriculture and Food that pertain to the medical cannabis program; and

3265 (e) consult regarding any issue pertaining to medical cannabis when asked by the
3266 department or the Utah Department of Agriculture and Food.

3267 Section 44. Section **26-61a-803** is enacted to read:

3268 **26-61a-803. Department coordination.**

3269 The department shall:

3270 (1) provide draft rules made under this chapter to the advisory board for the advisory
3271 board's review;

3272 (2) consult with the advisory board regarding:

3273 (a) qualified medical provider requirements; and

3274 (b) patient education;

3275 (3) consult with the advisory board regarding fees set by the department that pertain to
3276 the medical cannabis program; and

3277 (4) when appropriate, consult with the advisory board regarding issues that arise in the
3278 medical cannabis program.

3279 Section 45. Section **36-12-8.2** is amended to read:

3280 **36-12-8.2. Medical cannabis governance structure working group.**

3281 [~~During the 2022 legislative interim, the~~]

3282 (1) The Legislative Management Committee shall establish a medical cannabis

3283 governance structure working group composed of [~~three members of the Health and Human~~
 3284 ~~Services Interim Committee and three members of the Natural Resources, Agriculture, and~~
 3285 ~~Environment Interim Committee to:] six members of the Legislature.~~

3286 (2) The working group may:

3287 [~~(1)~~] (a) work with industry, patients, medical providers, and others [~~to conduct a~~] to
 3288 review [~~of~~] the state's governance structure over medical cannabis;

3289 [~~(2)~~] (b) study various regulatory structures throughout the nation regarding state
 3290 agency regulation of medical cannabis; and

3291 (c) make recommendations to the Health and Human Services Interim Committee or
 3292 the Natural Resources, Agriculture, and Environment Interim Committee regarding medical
 3293 cannabis governance before or at the October interim meeting.

3294 [~~(3) at or before the October 2022 interim meeting, make recommendations to the~~
 3295 ~~Health and Human Services Interim Committee and the Natural Resources, Agriculture, and~~
 3296 ~~Environment Interim Committee on whether a committee should recommend committee~~
 3297 ~~legislation to vertically integrate licenses, streamline regulations, and reduce costs for patients~~
 3298 ~~by unifying the efforts of the Department of Health and Human Services and the Department of~~
 3299 ~~Agriculture and Food under a single state authority over medical cannabis.]~~

3300 Section 46. Section **58-17b-302** is amended to read:

3301 **58-17b-302. License required -- License classifications for pharmacy facilities.**

3302 (1) A license is required to act as a pharmacy, except:

3303 (a) as specifically exempted from licensure under Section [58-1-307](#);

3304 (b) for the operation of a medical cannabis pharmacy under [~~Title 26, Chapter 61a;~~
 3305 ~~Utah Medical Cannabis Act]~~ Title 4, Chapter 41a, Cannabis Production Establishments and
 3306 Pharmacies; and

3307 (c) to operate a licensed dispensing practice under Chapter 88, Part 2, Dispensing
 3308 Practice.

3309 (2) The division shall issue a pharmacy license to a facility that qualifies under this
 3310 chapter in the classification of a:

3311 (a) class A pharmacy;

3312 (b) class B pharmacy;

3313 (c) class C pharmacy;

- 3314 (d) class D pharmacy;
- 3315 (e) class E pharmacy; or
- 3316 (f) dispensing medical practitioner clinic pharmacy.
- 3317 (3) (a) Each place of business shall require a separate license.
- 3318 (b) If multiple pharmacies exist at the same address, a separate license shall be required
- 3319 for each pharmacy.
- 3320 (4) (a) The division may further define or supplement the classifications of pharmacies.
- 3321 (b) The division may impose restrictions upon classifications to protect the public
- 3322 health, safety, and welfare.
- 3323 (5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by
- 3324 rule.
- 3325 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
- 3326 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
- 3327 of the pharmacy, regardless of the form of the business organization.
- 3328 Section 47. Section **58-17b-502** is amended to read:
- 3329 **58-17b-502. Unprofessional conduct.**
- 3330 (1) "Unprofessional conduct" includes:
- 3331 (a) willfully deceiving or attempting to deceive the division, the board, or their agents
- 3332 as to any relevant matter regarding compliance under this chapter;
- 3333 (b) except as provided in Subsection (2):
- 3334 (i) paying or offering rebates to practitioners or any other health care providers, or
- 3335 receiving or soliciting rebates from practitioners or any other health care provider; or
- 3336 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
- 3337 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
- 3338 provider, for the purpose of obtaining referrals;
- 3339 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
- 3340 dispensing of any outdated, misbranded, or adulterated drug or device;
- 3341 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
- 3342 bearing the inscription "sample" or "not for resale" or similar words or phrases;
- 3343 (e) except as provided in Section **58-17b-503**, accepting back and redistributing any
- 3344 unused drug, or a part of it, after it has left the premises of a pharmacy;

- 3345 (f) an act in violation of this chapter committed by a person for any form of
3346 compensation if the act is incidental to the person's professional activities, including the
3347 activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 3348 (g) violating:
- 3349 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 3350 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
- 3351 (iii) rules or regulations adopted under either act;
- 3352 (h) requiring or permitting pharmacy interns or technicians to engage in activities
3353 outside the scope of practice for their respective license classifications, as defined in this
3354 chapter and division rules made in collaboration with the board, or beyond their scope of
3355 training and ability;
- 3356 (i) administering:
- 3357 (i) without appropriate training, as defined by rule;
- 3358 (ii) without a physician's order, when one is required by law; and
- 3359 (iii) in conflict with a practitioner's written guidelines or written protocol for
3360 administering;
- 3361 (j) disclosing confidential patient information in violation of the provisions of the
3362 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
3363 1936, as amended, or other applicable law;
- 3364 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
3365 the pharmacist-in-charge;
- 3366 (l) failing to report to the division any adverse action taken by another licensing
3367 jurisdiction, government agency, law enforcement agency, or court for conduct that in
3368 substance would be considered unprofessional conduct under this section;
- 3369 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
3370 form which is regularly and commonly available from a manufacturer in quantities and
3371 strengths prescribed by a practitioner;
- 3372 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
3373 when dispensing a self-administered hormonal contraceptive under a standing order;
- 3374 (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production
3375 Establishments and Pharmacies, or Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3376 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:
3377 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
3378 or an individual under the direction or control of an individual licensed under this chapter; or
3379 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).
3380 (2) Subsection (1)(b) does not apply to:
3381 (a) giving or receiving a price discount based on purchase volume;
3382 (b) passing along a pharmaceutical manufacturer's rebate; or
3383 (c) providing compensation for services to a veterinarian.
3384 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
3385 61a, Utah Medical Cannabis Act:
3386 (a) when registered as a pharmacy medical provider, as that term is defined in Section
3387 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
3388 (b) when acting as a state central patient portal medical provider, as that term is defined
3389 in Section 26-61a-102, providing state central patient portal medical provider services.
3390 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
3391 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
3392 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).
3393 Section 48. Section 58-37-3.8 is amended to read:
3394 **58-37-3.8. Enforcement.**
3395 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for
3396 an officially designated drug enforcement task force regarding conduct that is not in accordance
3397 with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26,
3398 Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local resources,
3399 including the officer's time, to:
3400 (a) effect any arrest or seizure of cannabis, as that term is defined in Section
3401 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to
3402 constitute a violation of federal law if the officer has reason to believe that the activity is in
3403 compliance with the state medical cannabis laws;
3404 (b) enforce a law that restricts an individual's right to acquire, own, or possess a
3405 firearm based solely on the individual's possession or use of cannabis in accordance with state
3406 medical cannabis laws; or

3407 (c) provide any information or logistical support related to an activity described in
3408 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

3409 (2) An agency or political subdivision of the state may not take an adverse action
3410 against a person for providing a professional service to a medical cannabis pharmacy, as that
3411 term is defined in Section 26-61a-102, the state central patient portal, as that term is defined in
3412 Section 26-61a-102, or a cannabis production establishment, as that term is defined in Section
3413 4-41a-102, on the sole basis that the service is a violation of federal law.

3414 Section 49. Section 63I-2-236 is amended to read:

3415 **63I-2-236. Repeal dates: Title 36.**

3416 (1) Section 36-12-8.2 is repealed July 1, [~~2023~~] 2024.

3417 (2) Section 36-29-107.5 is repealed on November 30, 2023.

3418 (3) Section 36-29-109 is repealed on November 30, 2027.

3419 (4) Section 36-29-110 is repealed on November 30, 2024.

3420 (5) Section 36-29-111 is repealed April 30, 2023.

3421 (6) The following sections regarding the State Flag Task Force are repealed on January
3422 1, 2024:

3423 (a) Section 36-29-201;

3424 (b) Section 36-29-202; and

3425 (c) Section 36-29-203.

3426 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is
3427 repealed December 31, 2023.

3428 Section 50. Section 78A-2-231 is amended to read:

3429 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

3430 (1) As used in this section:

3431 (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3432 (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.

3433 (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

3434 (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

3435 (e) "Medical cannabis card" means the same as that term is defined in Section
3436 26-61a-102.

3437 (f) "Medical cannabis device" means the same as that term is defined in Section

3438 26-61a-102.

3439 (g) "Recommending medical provider" means the same as that term is defined in
3440 Section 26-61a-102.

3441 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
3442 makes a finding, determination, or otherwise considers an individual's medical cannabis card,
3443 medical cannabis recommendation from a recommending medical provider, or possession or
3444 use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel,
3445 jury, or court commissioner may not consider or treat the individual's card, recommendation,
3446 possession, or use any differently than the lawful possession or use of any prescribed controlled
3447 substance if:

3448 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
3449 Establishments and Pharmacies;

3450 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3451 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3452 Medical Cannabis Act; and

3453 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3454 determined by the individual's recommending medical provider or through a consultation
3455 described in Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5) or (6).

3456 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in
3457 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
3458 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
3459 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
3460 device, either directly or through a general prohibition on violating federal law, without an
3461 exception related to medical cannabis use, if the individual's use or possession complies with:

3462 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3463 (b) Subsection 58-37-3.7(2) or (3).

3464 Section 51. Section 80-3-110 is amended to read:

3465 **80-3-110. Consideration of cannabis during proceedings -- Drug testing.**

3466 (1) As used in this section:

3467 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

3468 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

- 3469 (c) (i) "Chronic" means repeated or patterned.
- 3470 (ii) "Chronic" does not mean an isolated incident.
- 3471 (d) "Directions of use" means the same as that term is defined in Section [26-61a-102](#).
- 3472 (e) "Dosing guidelines" means the same as that term is defined in Section [26-61a-102](#).
- 3473 (f) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 3474 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
- 3475 [26-61a-102](#).
- 3476 (h) "Recommending medical provider" means the same as that term is defined in
- 3477 Section [26-61a-102](#).
- 3478 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,
- 3479 determination, or otherwise considers an individual's medical cannabis card, medical cannabis
- 3480 recommendation from a recommending medical provider, or possession or use of medical
- 3481 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider
- 3482 or treat the individual's medical cannabis card, recommendation, possession, or use any
- 3483 differently than the lawful possession or use of any prescribed controlled substance if:
- 3484 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
- 3485 Production Establishments and Pharmacies;
- 3486 (b) the individual's possession or use complies with Subsection [58-37-3.7\(2\)](#) or (3); or
- 3487 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
- 3488 Medical Cannabis Act; and
- 3489 (ii) the individual reasonably complies with the directions of use and dosing guidelines
- 3490 determined by the individual's recommending medical provider or through a consultation
- 3491 described in Subsection [[26-61a-502\(4\)](#) or (5)]. [26-61a-404\(5\)](#) or (6).
- 3492 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or
- 3493 a cannabis product is not abuse or neglect of the child unless there is evidence showing that:
- 3494 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
- 3495 because of cannabis being introduced to the child's body in another manner; or
- 3496 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
- 3497 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.
- 3498 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
- 3499 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or guardian's

3500 use of medical cannabis or a cannabis product is not contrary to the best interests of the child
3501 if:

3502 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
3503 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
3504 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
3505 from the directions of use and dosing guidelines determined by the parent's or guardian's
3506 recommending medical provider or through a consultation described in Subsection
3507 ~~[26-61a-502(4) or (5)]~~ [26-61a-404\(5\)](#) or (6); or

3508 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
3509 Subsection [58-37-3.7\(2\)](#) or (3).

3510 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and
3511 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
3512 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a
3513 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
3514 that would separately constitute abuse or neglect of the child.

3515 (6) If an individual, who is party to a proceeding under this chapter, is ordered by the
3516 juvenile court to submit to drug testing, or is referred by the division or a guardian ad litem for
3517 drug testing, the individual may not be ordered or referred for drug testing by means of a hair
3518 or fingernail test that is administered to detect the presence of drugs.

3519 Section 52. Section **80-4-109** is amended to read:

3520 **80-4-109. Consideration of cannabis during proceedings.**

3521 (1) As used in this section:

3522 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

3523 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

3524 (c) (i) "Chronic" means repeated or patterned.

3525 (ii) "Chronic" does not mean an isolated incident.

3526 (d) "Directions of use" means the same as that term is defined in Section [26-61a-102](#).

3527 (e) "Dosing guidelines" means the same as that term is defined in Section [26-61a-102](#).

3528 (f) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

3529 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
3530 [26-61a-102](#).

3531 (h) "Qualified medical provider" means the same as that term is defined in Section
3532 [26-61a-102](#).

3533 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
3534 determination, or otherwise considers an individual's possession or use of medical cannabis, a
3535 cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the
3536 individual's possession or use any differently than the lawful possession or use of any
3537 prescribed controlled substance if:

3538 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
3539 Production Establishments and Pharmacies;

3540 (b) the individual's possession or use complies with Subsection [58-37-3.7\(2\)](#) or (3); or

3541 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3542 Medical Cannabis Act; and

3543 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3544 determined by the individual's qualified medical provider or through a consultation described
3545 in Subsection [~~[26-61a-502\(4\)](#) or [\(5\)](#)~~] [26-61a-404\(5\)](#) or (6).

3546 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a
3547 cannabis product is not abuse or neglect of a child unless there is evidence showing that:

3548 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
3549 because of cannabis being introduced to the child's body in another manner; or

3550 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
3551 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3552 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
3553 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not
3554 contrary to the best interests of a child if:

3555 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
3556 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
3557 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
3558 from the directions of use and dosing guidelines determined by the parent's or guardian's
3559 qualified medical provider or through a consultation described in Subsection [~~[26-61a-502\(4\)](#) or
3560 [\(5\)](#)~~] [26-61a-404\(5\)](#) or (6); or

3561 (b) before January 1, 2021, the parent's or guardian's possession or use complies with

3562 Subsection [58-37-3.7\(2\)](#) or (3).

3563 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and

3564 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis

3565 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a

3566 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior

3567 that would separately constitute abuse or neglect of the child.

3568 Section 53. **Repealer.**

3569 This bill repeals:

3570 Section [26-61a-108](#), **Agreement with a tribe.**

3571 Section [26-61a-506](#), **Medical cannabis transportation.**