

**HEMP AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill amends provisions related to hemp.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies definitions;
- ▶ allows the Department of Agriculture and Food (department) to require the registration of non-cannabinoid hemp products;
- ▶ creates an industrial hemp producer registration process;
- ▶ prohibits the sale of a cannabinoid product to an individual who is not at least 21 years old;
- ▶ allows a cannabinoid processor to produce products that may not be sold in the state;
- ▶ requires a warning label to be added to all cannabinoid products that are designed to be inhaled;
- ▶ authorizes rulemaking for the department:
  - to test a cannabinoid processor's cannabinoid at the processor's expense; and
  - to ban or limit the presence of a substance if the department receives a recommendation from the public health authority; and
- ▶ makes technical changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **4-41-102**, as last amended by Laws of Utah 2022, Chapters 74, 290

35 **4-41-103.1**, as last amended by Laws of Utah 2022, Chapter 74

36 **4-41-103.2**, as last amended by Laws of Utah 2022, Chapter 74

37 **4-41-103.3**, as last amended by Laws of Utah 2022, Chapter 290

38 **4-41-103.4**, as last amended by Laws of Utah 2022, Chapter 290

39 **4-41-104**, as last amended by Laws of Utah 2022, Chapter 74

40 **4-41-105**, as last amended by Laws of Utah 2022, Chapters 74, 290 and last amended  
41 by Coordination Clause, Laws of Utah 2022, Chapter 74

42 **4-41-106**, as last amended by Laws of Utah 2022, Chapter 74

43 **4-41-402**, as last amended by Laws of Utah 2022, Chapter 290

44 **4-41-403**, as last amended by Laws of Utah 2022, Chapter 74

45 ENACTS:

46 **4-41-103.5**, Utah Code Annotated 1953



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

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

50 **4-41-102. Definitions.**

51 As used in this chapter:

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

54 (a) pesticides;

55 (b) heavy metals;

56 (c) solvents;

57 (d) microbial life;

58 (e) artificially derived cannabinoids;

59 (f) toxins; or

60 (g) foreign matter.

61 (2) (a) "Artificially derived cannabinoid" means a chemical substance that is created by  
62 a chemical reaction that changes the molecular structure of any chemical substances derived  
63 from the cannabis plant.

64 (b) "Artificially derived cannabinoid" does not include:

65 (i) a naturally occurring chemical substance that is separated from the cannabis plant  
66 by a chemical or mechanical extraction process; or

67 (ii) cannabinoids that are produced by decarboxylation from a naturally occurring  
68 cannabinoid acid without the use of a chemical catalyst.

69 (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.

70 ~~(2)~~ (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS#  
71 1244-58-2.

72 (5) "Cannabinoid processor license" means a license that the department issues to a  
73 person for the purpose of processing a cannabinoid product.

74 ~~(3)~~ (6) "Cannabinoid product" means a product that:

75 (a) contains or is represented to contain one or more naturally occurring cannabinoids;  
76 ~~and~~

77 (b) contains less than the cannabinoid product THC level, by dry weight; ~~and~~

78 (c) ~~[after December 1, 2022,]~~ contains a combined amount of total THC and any THC  
79 analog that does not exceed 10% of the total cannabinoid content~~[-]; and~~

80 (d) does not exceed a total of THC and any THC analog that is greater than:

81 (i) 5 milligrams per serving; or

82 (ii) 50 milligrams per package.

83 (7) "Cannabinoid product class" means a group of cannabinoid products that:

84 (a) have all ingredients in common; and

85 (b) are produced by or for the same company.

86 ~~(4)~~ (8) "Cannabinoid product THC level" means a combined concentration of total  
87 THC and any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms  
88 a result within a measurement of uncertainty that includes the combined concentration of 0.3%.

89 ~~(5)~~ (9) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid

90 identified as CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.

91 ~~[(6) "Derivative cannabinoid" means any cannabinoid that has been intentionally~~  
92 ~~created using a process to convert one cannabinoid into another.]~~

93 ~~[(7) "Dosage form" means the form in which a product is produced for individual~~  
94 ~~dosage and that is not specified as unlawful in this chapter.]~~

95 ~~[(8)]~~ (10) "Industrial hemp" means any part of a cannabis plant, whether growing or  
96 not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

97 ~~[(9)]~~ (11) "Industrial hemp laboratory permit" means a permit that the department  
98 issues to a laboratory qualified to test industrial hemp ~~[under the state hemp production plan].~~

99 ~~[(10)]~~ (12) "Industrial hemp producer ~~[license]~~ registration" means a ~~[license]~~  
100 registration that the department issues to a person for the purpose of processing industrial hemp  
101 or an industrial hemp product.

102 ~~[(11)]~~ (13) "Industrial hemp retailer permit" means a permit that the department issues  
103 to a retailer who sells any viable industrial hemp ~~[product]~~ seed or cannabinoid product.

104 ~~[(12)]~~ (14) (a) "Industrial hemp product" means a product ~~[derived from, or made by,]~~  
105 made by processing industrial hemp plants or industrial hemp parts.

106 (b) "Industrial hemp product" does not include cannabinoid material.

107 (15) "Key participant" means any of the following:

108 (a) a licensee;

109 (b) an operation manager;

110 (c) a site manager; or

111 (d) an employee who has access to any industrial hemp material with a THC  
112 concentration above 0.3%.

113 ~~[(13) "Industrial hemp product class" means a group of cannabinoid products:]~~

114 ~~[(a) that have all ingredients in common; and]~~

115 ~~[(b) are produced by or for the same company.]~~

116 ~~[(14) (a) "Key participant" means any person who has a financial interest in the~~  
117 ~~business entity, including members of a limited liability company, a sole proprietor, partners in~~  
118 ~~a partnership, and incorporators or directors of a corporation.]~~

119 ~~[(b) "Key participant" includes an:]~~

120 ~~[(i) individual at an executive level, including a chief executive officer, chief operating~~

121 ~~officer, or chief financial officer, and]~~

122  ~~[(ii) operation manager, site manager, or any employee who may present a risk of~~  
123  ~~diversion.]~~

124 ~~[(15)]~~ (16) "Laboratory permittee" means a person possessing an industrial hemp  
125 laboratory permit that the department issues under this chapter.

126 ~~[(16)]~~ (17) "Licensee" means a person possessing ~~[an industrial hemp producer]~~ a  
127 cannabinoid processor license that the department issues under this chapter.

128 ~~[(17)]~~ (18) "Non-compliant material" means:

129 (a) a hemp plant that does not comply with this chapter, including a cannabis plant  
130 with a concentration of 0.3% tetrahydrocannabinol or greater by dry weight; and

131 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds  
132 the cannabinoid product THC level.

133 ~~[(18)]~~ (19) "Permittee" means a person possessing a permit that the department issues  
134 under this chapter.

135 ~~[(19)]~~ (20) "Person" means:

136 (a) an individual, partnership, association, firm, trust, limited liability company, or  
137 corporation; and

138 (b) an agent or employee of an individual, partnership, association, firm, trust, limited  
139 liability company, or corporation.

140 ~~[(20)]~~ (21) "Retailer permittee" means a person possessing an industrial hemp retailer  
141 permit that the department issues under this chapter.

142 ~~[(21) "Synthetic cannabinoid" means any cannabinoid that:]~~

143 ~~[(a) was chemically synthesized from starting materials other than a naturally occurring~~  
144  ~~cannabinoid; and]~~

145 ~~[(b) is not a derivative cannabinoid.]~~

146 (22) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the  
147 cannabinoid identified as CAS# 1972-08-3.

148 (23) (a) "THC analog" means a substance that is structurally or pharmacologically  
149 substantially similar to, or is represented as being similar to, delta-9-THC.

150 (b) "THC analog" does not include the following substances or the naturally occurring  
151 acid forms of the following substances:

- 152 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;
- 153 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;
- 154 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;
- 155 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;
- 156 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;
- 157 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;
- 158 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;
- 159 (viii) cannabinol (CBN), the cannabinoid identified as CAS# 521-35-7;
- 160 (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or
- 161 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#
- 162 31262-37-0.

163 (24) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol  
 164 and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".

165 (25) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined  
 166 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC = delta-9-THC  
 167 + (THCA x 0.877)".

168 Section 2. Section **4-41-103.1** is amended to read:

169 **4-41-103.1. Authority to regulate production, sale, and testing of cannabinoid**  
 170 **products and industrial hemp.**

171 (1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
 172 Administrative Rulemaking Act, to:

173 (a) establish requirements for [~~an industrial hemp producer~~] a cannabinoid processor  
 174 license to process [~~industrial hemp~~] cannabinoid products;

175 (b) establish requirements for an industrial hemp retailer permit to market or sell  
 176 industrial hemp products; [~~and~~]

177 (c) establish the standards, methods, practices, and procedures a laboratory must use to  
 178 qualify for a permit to test industrial hemp and [~~industrial hemp~~] cannabinoid products and to  
 179 dispose of non-compliant material[~~;~~]; and

180 (d) establish requirements for registration of processors of non-cannabinoid industrial  
 181 hemp products.

182 (2) The department shall maintain a list of each licensee and permittee.

183 Section 3. Section **4-41-103.2** is amended to read:

184 **4-41-103.2. Cannabinoid processor license.**

185 (1) The department or a licensee of the department may process [~~industrial hemp~~] a  
186 cannabinoid product.

187 (2) A person seeking [~~an industrial hemp producer~~] a cannabinoid processor license  
188 shall provide to the department:

189 (a) the legal description and global positioning coordinates sufficient for locating the  
190 facility the person uses to process industrial hemp; and

191 (b) written consent allowing a representative of the department and local law  
192 enforcement to enter all premises where the person processes or stores industrial hemp for the  
193 purpose of:

194 (i) conducting a physical inspection; or

195 (ii) ensuring compliance with the requirements of this chapter.

196 (3) An individual who has been convicted of a drug-related felony within the last 10  
197 years is not eligible to obtain [~~an industrial hemp producer~~] a cannabinoid processor license.

198 (4) The department may set a fee in accordance with Subsection **4-2-103(2)** for the  
199 application for [~~an industrial hemp producer~~] a cannabinoid processor license.

200 (5) A licensee may only market [~~industrial hemp~~] a cannabinoid product that the  
201 licensee [~~cultivates or~~] processes.

202 (6) (a) Each applicant for a license to process [~~industrial hemp~~] cannabinoid products  
203 shall submit to the department, at the time of application, from each key participant:

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

205 (ii) a signed waiver in accordance with Subsection **53-10-108(4)** acknowledging the  
206 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

207 Generation Identification System's Rap Back Service; and

208 (iii) consent to a fingerprint background check by:

209 (A) the Bureau of Criminal Identification; and

210 (B) the Federal Bureau of Investigation.

211 (b) The Bureau of Criminal Identification shall:

212 (i) check the fingerprints the applicant submits under Subsection (6)(a) against the  
213 applicable state, regional, and national criminal records databases, including the Federal

214 Bureau of Investigation Next Generation Identification System;  
215 (ii) report the results of the background check to the department;  
216 (iii) maintain a separate file of fingerprints that applicants submit under Subsection  
217 (6)(a) for search by future submissions to the local and regional criminal records databases,  
218 including latent prints;  
219 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
220 Generation Identification System's Rap Back Service for search by future submissions to  
221 national criminal records databases, including the Next Generation Identification System and  
222 latent prints; and  
223 (v) establish a privacy risk mitigation strategy to ensure that the department only  
224 receives notifications for an individual with whom the department maintains an authorizing  
225 relationship.

226 (c) The department shall:

227 (i) assess an individual who submits fingerprints under Subsection (6)(a) a fee in an  
228 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
229 Bureau of Criminal Identification or another authorized agency provides under this section; and  
230 (ii) remit the fee described in Subsection (6)(c)(i) to the Bureau of Criminal  
231 Identification.

232 Section 4. Section 4-41-103.3 is amended to read:

233 **4-41-103.3. Industrial hemp retailer permit.**

234 (1) Except as provided in Subsection (4), a retailer permittee of the department may  
235 market or sell [~~industrial hemp products~~] a cannabinoid product or a viable industrial hemp  
236 seed.

237 (2) A person seeking an industrial hemp retailer permit shall provide to the department:

238 (a) the name of the person that is seeking to market or sell [~~an industrial hemp product~~]  
239 a cannabinoid product or a viable industrial hemp seed;

240 (b) the address of each location where [~~the industrial hemp product~~] a cannabinoid  
241 product or a viable industrial hemp seed will be sold; and

242 (c) written consent allowing a representative of the department to enter all premises  
243 where the person is selling [~~an industrial hemp product~~] a cannabinoid product or a viable  
244 industrial hemp seed for the purpose of:



- 245 (i) conducting a physical inspection; or
- 246 (ii) ensuring compliance with the requirements of this chapter.
- 247 (3) The department may set a fee in accordance with Subsection 4-2-103(2) for the
- 248 application for an industrial hemp retailer permit.
- 249 (4) Any marketing for [~~an industrial hemp product~~] a cannabinoid product or a viable
- 250 industrial hemp seed shall include a notice to consumers that the product is hemp and is not
- 251 cannabis or medical cannabis, as those terms are defined in Section 26-61a-102.
- 252 Section 5. Section 4-41-103.4 is amended to read:
- 253 **4-41-103.4. Industrial hemp laboratory permit.**
- 254 (1) The department or a laboratory permittee of the department may test industrial
- 255 hemp and [~~industrial hemp~~] cannabinoid products.
- 256 (2) The department or a laboratory permittee of the department may dispose of
- 257 non-compliant material.
- 258 (3) A laboratory seeking an industrial hemp laboratory permit shall:
- 259 (a) demonstrate to the department that:
- 260 (i) the laboratory and laboratory staff possess the professional certifications required by
- 261 department rule;
- 262 (ii) the laboratory has the ability to test industrial hemp and industrial hemp products
- 263 using the standards, methods, practices, and procedures required by department rule;
- 264 (iii) the laboratory has the ability to meet the department's minimum standards of
- 265 performance for detecting concentration levels of THC and any cannabinoid known to be
- 266 present; and
- 267 (iv) the laboratory has a plan that complies with the department's rule for the safe
- 268 disposal of non-compliant material; and
- 269 (b) provide to the department written consent allowing a representative of the
- 270 department and local law enforcement to enter all premises where the laboratory tests,
- 271 processes, or stores industrial hemp, industrial hemp products, and non-compliant plants for the
- 272 purpose of:
- 273 (i) conducting a physical inspection; or
- 274 (ii) ensuring compliance with the requirements of this chapter.
- 275 (4) An individual who has been convicted of a drug-related felony within the last 10

276 years is not eligible to obtain a license under this chapter.

277 (5) The department may set a fee in accordance with Subsection 4-2-103(2) for the  
278 application for an industrial hemp laboratory permit.

279 Section 6. Section 4-41-103.5 is enacted to read:

280 **4-41-103.5. Industrial hemp producer registration -- Limitation on industrial**  
281 **hemp product use.**

282 (1) A person may produce an industrial hemp product if the person has registered with  
283 the department as an industrial hemp producer.

284 (2) A person seeking to register under Subsection (1) shall provide to the department:

285 (a) the name of the person that is seeking to produce an industrial hemp product;

286 (b) the address of each location where the industrial hemp product will be  
287 manufactured; and

288 (c) written consent allowing a representative of the department to enter any premise  
289 where the person is manufacturing industrial hemp product for:

290 (i) conducting a physical inspection; or

291 (ii) ensuring compliance with the requirements of this chapter.

292 (3) Any industrial hemp product or by product cannot be used for production of  
293 cannabinoid products.

294 (4) An industrial hemp product or byproduct may not be used for production of a  
295 cannabinoid product.

296 Section 7. Section 4-41-104 is amended to read:

297 **4-41-104. Product registration required for distribution -- Application -- Fees --**  
298 **Renewal.**

299 (1) ~~[An industrial hemp]~~ A cannabinoid product class or cannabinoid product that is  
300 not registered with the department may not be distributed in this state.

301 (2) A person seeking registration for ~~[an industrial hemp]~~ a cannabinoid product class  
302 or cannabinoid product shall:

303 (a) apply to the department on forms provided by the department; and

304 (b) submit an annual registration fee, determined by the department pursuant to

305 Subsection 4-2-103(2), for each ~~[industrial hemp]~~ cannabinoid product class or cannabinoid  
306 product the person intends to distribute in this state.

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

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

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

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

319 **4-41-105. Unlawful acts.**

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

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

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

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

327 (ii) noncompliant material;

328 (b) transport into or out of the state extracted material or final product that contains  
329 0.3% or more of total THC; ~~[or]~~

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

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

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

335 (iii) smokable flower~~[-];~~ or

336 (d) knowingly or intentionally sell or give a cannabinoid product in the course of  
337 business to an individual who is not at least 21 years old.

338 (3) The department may seize and destroy non-compliant material.

339 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or  
340 any provision of this title.

341 Section 9. Section **4-41-106** is amended to read:

342 **4-41-106. Enforcement -- Fine -- Citation.**

343 (1) If a person violates this part, the department may:

344 (a) revoke the person's license or permit;

345 (b) decline to renew the person's license or permit; or

346 (c) assess the person a civil penalty that the department establishes in accordance with  
347 Section [4-2-304](#).

348 (2) Except for a fine that the department assesses for an unlicensed processor or  
349 unregistered product, the department shall deposit a penalty imposed under this section into the  
350 General Fund.

351 (3) The department may take an action described in Subsection (4) if the department  
352 concludes, upon investigation, that a person has violated this chapter, a rule made under this  
353 chapter, or an order issued under this chapter.

354 (4) If the department makes the conclusion described in Subsection (3), the department  
355 shall:

356 (a) issue the person a written administrative citation;

357 (b) attempt to negotiate a stipulated settlement;

358 (c) seize, embargo, or destroy the industrial hemp batch or unregistered product;

359 (d) order the person to cease the violation; and

360 (e) if a stipulated settlement cannot be reached, conduct an adjudicative proceeding  
361 under Title 63G, Chapter 4, Administrative Procedures Act.

362 (5) The department may, for a person, other than an individual, that is subject to an  
363 uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative  
364 proceeding under this section, for a fine amount not already specified in law, assess the person  
365 a fine of up to \$5,000 per violation, in accordance with a fine schedule that the department  
366 establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
367 Act.

368 (6) The department may not revoke [~~an industrial hemp producer's~~] a cannabinoid

369 processor license, an industrial hemp retailer's permit, or an industrial hemp laboratory permit  
370 without first giving the person the opportunity to appear before an adjudicative proceeding  
371 conducted under Title 63G, Chapter 4, Administrative Procedures Act.

372 (7) If, within 30 calendar days after the day on which a department serves a citation for  
373 a violation of this chapter, the person that is the subject of the citation fails to request a hearing  
374 to contest the citation, the citation becomes the department's final order.

375 (8) The department may, for a person who fails to comply with a citation under this  
376 section:

377 (a) refuse to issue or renew the person's [~~producer~~] processor license, retailer permit, or  
378 laboratory permit; or

379 (b) suspend, revoke, or place on probation the person's [~~producer~~] processor license,  
380 retailer permit, or laboratory permit.

381 Section 10. Section ~~4-41-402~~ is amended to read:

382 **4-41-402. Cannabinoid sales and use authorized.**

383 (1) The sale or use of a cannabinoid product is prohibited:

384 (a) except as provided in this chapter; or

385 (b) unless the United States Food and Drug Administration approves the product.

386 (2) The department shall keep a list of registered cannabinoid products that the  
387 department has determined, in accordance with Section ~~4-41-403~~, are safe for human  
388 consumption.

389 (3) (a) A person may sell or use a cannabinoid product that is in the list of registered  
390 cannabinoid products described in Subsection (2).

391 (b) An individual may use cannabidiol or a cannabidiol product that is not in the list of  
392 registered cannabinoid products described in Subsection (2) if:

393 (i) the individual purchased the product outside the state; and

394 (ii) the product's contents do not violate Title 58, Chapter 37, Utah Controlled  
395 Substances Act.

396 (4) Any marketing for a cannabinoid product shall include a notice to consumers that  
397 the product is hemp or CBD and is not cannabis or medical cannabis, as those terms are  
398 defined in Section ~~26-61a-102~~.

399 (5) A cannabinoid product that is designed to be inhaled shall include a warning on the

400 label regarding the possible health effects of inhaling cannabinoid products.

401 Section 11. Section ~~4-41-403~~ is amended to read:

402 **4-41-403. Standards for registration.**

403 (1) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
404 Administrative Rulemaking Act:

405 (i) to determine standards for a registered cannabinoid product, including standards for:

406 (A) testing to ensure the product is safe for human consumption; and

407 (B) accurate labeling;

408 (ii) governing an entity that manufactures cannabinoid products, including standards  
409 for health and safety;

410 (iii) to determine when and how a cannabinoid processor's cannabinoid must be tested  
411 by the department at the expense of the cannabinoid processor;

412 [~~(iii)~~] (iv) regarding what constitutes:

413 (A) a conventional food or beverage; and

414 (B) a product that is marketed or manufactured to be enticing to children; and

415 [~~(iv)~~] (v) regarding any other issue the department considers necessary for the safe  
416 production and sale of cannabinoid products.

417 (b) Notwithstanding Subsection (1)(a), the department may not prohibit a sugar coating  
418 on a cannabinoid product to mask the product's taste, subject to the limitations described in  
419 Subsection [~~(1)(a)(iii) or (iv)~~] (1)(a)(iv) or (v).

420 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
421 department may make rules to immediately ban or limit the presence of any substance in a  
422 cannabinoid product after receiving a recommendation to do so from a public health authority  
423 as defined in Section [26B-1-102](#).

424 [~~(2)~~] (3) The department shall set a fee for a registered cannabinoid product, in  
425 accordance with Section [4-2-103](#).

426 [~~(3)~~] (4) (a) A producer, manufacturer, or distributor of a cannabinoid product may pay  
427 the fee described in Subsection [~~(2)~~] (3).

428 (b) A cannabinoid product may not be registered with the department until the fee  
429 described in Subsection [~~(2)~~] (3) is paid.

430 [~~(4)~~] (5) The department shall set an administrative fine, larger than the fee described

431 in Subsection [~~(2)~~] (3), for a person who sells a cannabinoid product that is not registered by  
432 the department.