

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

**CENTER FOR MEDICAL CANNABIS RESEARCH**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill creates the Center for Medical Cannabis Research.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies membership requirements for members of the Cannabis Research Review Board;
- ▶ creates the Center for Medical Cannabis Research (center) within the University of Utah;
- ▶ allows the center to be funded by the Qualified Patient Enterprise Fund; and
- ▶ establishes the center's duties.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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



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

27 ENACTS:

28 **53B-17-1401**, Utah Code Annotated 1953

29 **53B-17-1402**, Utah Code Annotated 1953

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

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

33 **26-61-201. Cannabis Research Review Board.**

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

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

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

39 (b) four physicians;

40 (i) who are qualified medical providers; and

41 (ii) at least two who have at least 100 patients with a medical cannabis patient card at  
42 the time of appointment.

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

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

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

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

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

53 (6) The board shall:

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

56 (b) meet as often as necessary to accomplish the duties assigned to the board under this

57 chapter.

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

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

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

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

65 (a) per diem at the rate established under Section [63A-3-106](#); and

66 (b) travel expenses at the rate established under Section [63A-3-107](#).

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

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

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

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

72 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality.**

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

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

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

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

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

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

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

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

83 (a) the department to accomplish the department's responsibilities described in this  
84 chapter; and

85 (b) the Center for Medical Cannabis Research created in Section [53B-17-1402](#) to  
86 accomplish the Center for Medical Cannabis Research's responsibilities.

87 (5) The department shall set fees authorized under this chapter in amounts that the

88 department anticipates are necessary, in total, to cover the department's cost to implement this  
89 chapter.

90 Section 3. Section **53B-17-1401** is enacted to read:

91 **CHAPTER 17. UNIVERSITY OF UTAH**

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

93 **53B-17-1401. Definitions.**

94 As used in this part:

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

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

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

99 (4) "Center" means the Center for the Medical Cannabis Research created in Section  
100 [53B-17-1402](#).

101 (5) "Eligible institution" means an institution of higher education that is located in  
102 Utah.

103 Section 4. Section **53B-17-1402** is enacted to read:

104 **53B-17-1402. Center creation -- Duties.**

105 (1) There is created the Center for Medical Cannabis Research within the University of  
106 Utah.

107 (2) The center shall:

108 (a) facilitate coordination of medical cannabis research projects conducted by  
109 researchers at the center and eligible institutions;

110 (b) facilitate pilot funding for research related to the health effects of cannabis  
111 products, which may include the health effects of the use of cannabis products or the health  
112 effects of various cannabis delivery methods;

113 (c) support researchers at the center in applying for research grant funding for  
114 expanding medical cannabis research;

115 (d) conduct a literature review of medical cannabis research;

116 (e) provide the results of the literature review described in Subsection (2)(d) to the  
117 Cannabis Research Review Board created in Section [26-61-201](#); and

118 (f) request information from each eligible institution regarding the items described in

119 Subsection (3)(a)(i).

120 (3) (a) The center shall provide a report by November 1 to the Health and Human

121 Services Interim Committee that:

122 (i) describes information provided to the center regarding medical cannabis research

123 projects conducted by researchers at each eligible institution, which may include:

124 (A) current and anticipated future medical cannabis research projects;

125 (B) credentials and skill sets of researchers conducting medical cannabis research

126 projects; and

127 (C) relevant licenses of the institution, including whether the institution has an

128 academic research cannabis license;

129 (ii) considering the information received under Subsection (3)(a), assesses:

130 (A) collaboration opportunities across eligible institutions and the center related to

131 medical cannabis research projects; and

132 (B) funding opportunities for medical cannabis research projects; and

133 (iii) provides recommendations regarding the assessment described in Subsection

134 (3)(a)(ii).

135 (b) An eligible institution that is a state institution of higher education shall provide

136 information the center requests under Subsection (3)(a)(i).

137 (4) The University of Utah shall provide staff for the center.