

Senator Luz Escamilla proposes the following substitute bill:

MEDICAL CANNABIS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Raymond P. Ward

LONG TITLE

General Description:

This bill enacts provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the testing for terpene profiles for certain cannabis products;
- ▶ requires medical cannabis pharmacies to provide terpene information for certain cannabis products;
- ▶ modifies patient caps for qualified medical providers;
- ▶ for the initial issuance of a medical cannabis card, extends the expiration date from six months to one year unless the recommending medical provider provides a shorter expiration date;
- ▶ allows the Department of Health and Human Services to revoke a medical cannabis patient card if the recommending medical provider withdraws the provider's recommendation for medical cannabis;
- ▶ allows certain physician assistants to diagnose post-traumatic stress syndrome for the purpose of recommending medical cannabis;
- ▶ allows medical cannabis pharmacies to maintain a liquid cash account instead of a



- 26 surety bond;
- 27 ▶ allows the Compassionate Use Board to review the recommendation of a cannabis
- 28 product that must be vaporized under certain circumstances;
- 29 ▶ allows a recommending medical provider to provide an initial recommendation for
- 30 medical cannabis virtually under certain circumstances;
- 31 ▶ modifies continuing education requirements for qualified medical providers;
- 32 ▶ allows an individual residing in certain care facilities to use an expired license to
- 33 obtain medical cannabis;
- 34 ▶ consolidates certain criminal background check requirements for guardians and
- 35 caregivers;
- 36 ▶ for publicly traded medical cannabis pharmacies, changes the ownership percentage
- 37 an individual must have to be:
 - 38 • listed in an application for a license; or
 - 39 • required to submit a background check;
- 40 ▶ repeals provisions related to the state central patient portal medical provider;
- 41 ▶ removes the requirement that before an individual obtains a medical cannabis
- 42 pharmacy agent card that the individual be employed by a medical cannabis
- 43 pharmacy;
- 44 ▶ removes the requirement that before an individual obtains a medical cannabis
- 45 courier agent card that the individual be employed by a medical cannabis courier;
- 46 ▶ authorizes a medical cannabis pharmacy to engage in targeted marketing; and
- 47 ▶ makes technical changes.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 None

52 **Utah Code Sections Affected:**

53 AMENDS:

54 [4-41a-701](#), as last amended by Laws of Utah 2022, Chapter 290

55 [26-61-202](#), as last amended by Laws of Utah 2022, Chapter 415

56 [26-61a-102](#), as last amended by Laws of Utah 2022, Chapters 290, 452

- 57 **26-61a-103**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 58 **26-61a-104**, as last amended by Laws of Utah 2022, Chapters 277, 452
- 59 **26-61a-105**, as last amended by Laws of Utah 2022, Chapter 452
- 60 **26-61a-106**, as last amended by Laws of Utah 2022, Chapters 415, 452
- 61 **26-61a-116**, as enacted by Laws of Utah 2022, Chapter 452
- 62 **26-61a-201**, as last amended by Laws of Utah 2022, Chapters 198, 290 and 452
- 63 **26-61a-202**, as last amended by Laws of Utah 2022, Chapters 290, 452
- 64 **26-61a-301**, as last amended by Laws of Utah 2022, Chapter 290
- 65 **26-61a-302**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 66 **26-61a-401**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 67 **26-61a-403**, as last amended by Laws of Utah 2022, Chapters 415, 452
- 68 **26-61a-501**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 69 **26-61a-502**, as last amended by Laws of Utah 2022, Chapter 290
- 70 **26-61a-503**, as last amended by Laws of Utah 2022, Chapter 415
- 71 **26-61a-505**, as last amended by Laws of Utah 2022, Chapter 452 and last amended by
- 72 Coordination Clause, Laws of Utah 2022, Chapter 290
- 73 **26-61a-506**, as last amended by Laws of Utah 2022, Chapter 415
- 74 **26-61a-601**, as last amended by Laws of Utah 2021, Chapter 337
- 75 **26-61a-604**, as last amended by Laws of Utah 2022, Chapters 290, 452
- 76 **26-61a-606**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 77 **26-61a-607**, as last amended by Laws of Utah 2022, Chapter 452
- 78 **58-17b-502**, as last amended by Laws of Utah 2022, Chapter 465
- 79 **58-67-502**, as last amended by Laws of Utah 2021, Chapter 337
- 80 **58-68-502**, as last amended by Laws of Utah 2021, Chapter 337
- 81 **78A-2-231**, as last amended by Laws of Utah 2022, Chapter 256
- 82 **80-3-110**, as last amended by Laws of Utah 2022, Chapter 256
- 83 **80-4-109**, as enacted by Laws of Utah 2021, Chapter 261

84 ENACTS:

- 85 **26-61a-117**, Utah Code Annotated 1953
- 86 **26-61a-206**, Utah Code Annotated 1953

87 REPEALS:

88 **26-61a-602**, as last amended by Laws of Utah 2020, Chapter 354

89

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

91 Section 1. Section **4-41a-701** is amended to read:

92 **4-41a-701. Cannabis and cannabis product testing.**

93 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
94 department may make rules to:

95 (a) determine required adulterant tests for a cannabis plant product, cannabis
96 concentrate, or cannabis product;

97 (b) determine the amount of any adulterant that is safe for human consumption;

98 (c) establish protocols for a recall of cannabis or a cannabis product by a cannabis
99 production establishment; or

100 (d) allow the propagation of testing results forward to derived product if the processing
101 steps the cannabis production establishment uses to produce the product are unlikely to change
102 the results of the test.

103 (2) The department may require testing for a toxin if:

104 (a) the department receives information indicating the potential presence of a toxin; or

105 (b) the department's inspector has reason to believe a toxin may be present based on the
106 inspection of a facility.

107 (3) (a) A cannabis production establishment may not:

108 (i) incorporate cannabis concentrate into a cannabis derivative product until an
109 independent cannabis testing laboratory tests the cannabis concentrate in accordance with
110 department rule; or

111 (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an
112 independent cannabis testing laboratory tests a representative sample of the cannabis or
113 cannabis product in accordance with department rule.

114 (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for
115 sale unless an independent cannabis testing laboratory has tested a representative sample of the
116 cannabis or cannabis product in accordance with department rule.

117 (4) Before the sale of a cannabis product, an independent cannabis testing laboratory
118 shall:

119 (a) identify and quantify any cannabinoid known to be present in a cannabis product[-];

120 and

121 (b) test terpene profiles for the following products:

122 (i) raw cannabis; or

123 (ii) a cannabis product:

124 (A) contained in a vaporizer cartridge; or

125 (B) in concentrate form; and

126 (c) record the five highest terpene profiles tested under Subsection (4)(b).

127 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
128 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the
129 testing of cannabis and cannabis products by independent cannabis testing laboratories.

130 (6) The department may require an independent cannabis testing laboratory to
131 participate in a proficiency evaluation that the department conducts or that an organization that
132 the department approves conducts.

133 Section 2. Section **26-61-202** is amended to read:

134 **26-61-202. Duties.**

135 (1) The board shall review any available scientific research related to the human use of
136 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

137 (a) was conducted under a study approved by an IRB;

138 (b) was conducted or approved by the federal government; or

139 (c) (i) was conducted in another country; and

140 (ii) demonstrates, as determined by the board, a sufficient level of scientific reliability
141 and significance to merit the board's review.

142 (2) Based on the research described in Subsection (1), the board shall evaluate the
143 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,
144 including:

145 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded
146 cannabinoid products;

147 (b) cannabis and cannabinoid dosage amounts and medical dosage forms;

148 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products
149 with other treatments; and

150 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,
151 cannabinoid products, and expanded cannabinoid products.

152 (3) (a) Based on the board's evaluation under Subsection (2), the board shall develop
153 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid
154 product that include:

155 [(a)] (i) a list of medical conditions, if any, that the board determines are appropriate
156 for treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded
157 cannabinoid product;

158 [(b)] (ii) a list of contraindications, side effects, and adverse reactions that are
159 associated with use of cannabis, cannabinoid products, or expanded cannabinoid products;

160 [(c)] (iii) a list of potential drug-drug interactions between medications that the United
161 States Food and Drug Administration has approved and cannabis, cannabinoid products, and
162 expanded cannabinoid products; and

163 [(d)] (iv) any other guideline the board determines appropriate.

164 [(4)] (b) The board shall submit the guidelines described in Subsection (3) to the
165 director of the Division of Professional Licensing.

166 [(5)] (c) Guidelines that the board develops under this section may not limit the
167 availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted
168 under Title 4, Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah
169 Medical Cannabis Act.

170 (4) The board shall provide a report to the Health and Human Services Interim
171 Committee regarding the board's work before October 1 of each year.

172 Section 3. Section **26-61a-102** is amended to read:

173 **26-61a-102. Definitions.**

174 As used in this chapter:

175 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
176 tetrahydrocannabinolic acid.

177 (2) "Advertise" or "advertising" means information provided by a medical cannabis
178 pharmacy in any medium:

179 (a) to the public; and

180 (b) that is not age restricted to an individual who is at least 21 years old.

181 ~~[(2)]~~ (3) "Cannabis Research Review Board" means the Cannabis Research Review
182 Board created in Section [26-61-201](#).

183 ~~[(3)]~~ (4) "Cannabis" means marijuana.

184 ~~[(4)]~~ (5) "Cannabis cultivation facility" means the same as that term is defined in
185 Section [4-41a-102](#).

186 ~~[(5)]~~ (6) "Cannabis processing facility" means the same as that term is defined in
187 Section [4-41a-102](#).

188 ~~[(6)]~~ (7) "Cannabis product" means a product that:

189 (a) is intended for human use; and

190 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
191 concentration of 0.3% or greater on a dry weight basis.

192 ~~[(7)]~~ (8) "Cannabis production establishment" means the same as that term is defined
193 in Section [4-41a-102](#).

194 ~~[(8)]~~ (9) "Cannabis production establishment agent" means the same as that term is
195 defined in Section [4-41a-102](#).

196 ~~[(9)]~~ (10) "Cannabis production establishment agent registration card" means the same
197 as that term is defined in Section [4-41a-102](#).

198 ~~[(10)]~~ (11) "Community location" means a public or private elementary or secondary
199 school, a church, a public library, a public playground, or a public park.

200 ~~[(11)]~~ (12) "Conditional medical cannabis card" means an electronic medical cannabis
201 card that the department issues in accordance with Subsection [26-61a-201\(1\)\(b\)](#) to allow an
202 applicant for a medical cannabis card to access medical cannabis during the department's
203 review of the application.

204 ~~[(12)]~~ (13) "Controlled substance database" means the controlled substance database
205 created in Section [58-37f-201](#).

206 (14) "Delivery address" means:

207 (a) for a medical cannabis cardholder who is not a facility, the medical cannabis
208 cardholder's home address; or

209 (b) for a medical cannabis cardholder that is a facility, the facility's address.

210 ~~[(13)]~~ (15) "Department" means the Department of Health.

211 ~~[(14)]~~ (16) "Designated caregiver" means:

212 (a) an individual:

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

215 (ii) who registers with the department under Section 26-61a-202; or

216 (b) (i) a facility that an individual designates as a designated caregiver in accordance
217 with Subsection 26-61a-202(1)(b); or

218 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

219 [(+5)] (17) "Directions of use" means recommended routes of administration for a
220 medical cannabis treatment and suggested usage guidelines.

221 [(+6)] (18) "Dosing guidelines" means a quantity range and frequency of administration
222 for a recommended treatment of medical cannabis.

223 [(+7)] (19) "Financial institution" means a bank, trust company, savings institution, or
224 credit union, chartered and supervised under state or federal law.

225 (20) "Government issued photo identification" means any of the following forms of
226 identification:

227 (a) a valid state-issued driver license or identification card;

228 (b) a valid United States federal-issued photo identification, including:

229 (i) a United States passport;

230 (ii) a United States passport card;

231 (iii) a United States military identification card; or

232 (iv) a permanent resident card or alien registration receipt card; or

233 (c) a foreign passport.

234 [(+8)] (21) "Home delivery medical cannabis pharmacy" means a medical cannabis
235 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
236 cannabis shipments to a [~~medical cannabis cardholder's home address~~] delivery address to
237 fulfill electronic orders that the state central patient portal facilitates.

238 [(+9)] (22) "Inventory control system" means the system described in Section
239 4-41a-103.

240 [(+20)] (23) "Legal dosage limit" means an amount that:

241 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
242 relevant recommending medical provider or the state central patient portal or pharmacy

243 medical provider, in accordance with Subsection 26-61a-502(4) [~~or(5)~~], recommends; and

244 (b) may not exceed:

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

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

247 greater than 20 grams of active tetrahydrocannabinol.

248 [~~(21)~~] (24) "Legal use termination date" means a date on the label of a container of
249 unprocessed cannabis flower:

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

251 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
252 primary residence of the relevant medical cannabis patient cardholder.

253 [~~(22)~~] (25) "Limited medical provider" means an individual who:

254 (a) meets the recommending qualifications; and

255 (b) has no more than 15 patients with a valid medical cannabis patient card or
256 provisional patient card as a result of the individual's recommendation, in accordance with
257 Subsection 26-61a-106(1)(b).

258 [~~(23)~~] (26) "Marijuana" means the same as that term is defined in Section 58-37-2.

259 [~~(24)~~] (27) "Medical cannabis" means cannabis in a medicinal dosage form or a
260 cannabis product in a medicinal dosage form.

261 [~~(25)~~] (28) "Medical cannabis card" means a medical cannabis patient card, a medical
262 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
263 card.

264 [~~(26)~~] (29) "Medical cannabis cardholder" means:

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

266 (b) a facility or assigned employee, described in Subsection[~~(14)(b)~~] (16)(b), only:

267 (i) within the scope of the facility's or assigned employee's performance of the role of a
268 medical cannabis patient cardholder's caregiver designation under Subsection

269 26-61a-202(1)(b); and

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

271 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);

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

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

274 designation.

275 ~~[(27)]~~ (30) "Medical cannabis caregiver card" means an electronic document that a
276 cardholder may print or store on an electronic device or a physical card or document that:

- 277 (a) the department issues to an individual whom a medical cannabis patient cardholder
278 or a medical cannabis guardian cardholder designates as a designated caregiver; and
279 (b) is connected to the electronic verification system.

280 ~~[(28)]~~ (31) "Medical cannabis courier" means a courier that:

- 281 (a) the department licenses in accordance with Section [26-61a-604](#); and
282 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
283 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

284 ~~[(29)]~~ (32) "Medical cannabis courier agent" means an individual ~~[who: (a) is an~~
285 ~~employee of a medical cannabis courier; and (b)]~~ who holds a valid medical cannabis courier
286 agent registration card issued by the department.

287 ~~[(30)]~~ (33) (a) "Medical cannabis device" means a device that an individual uses to
288 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
289 dosage form.

- 290 (b) "Medical cannabis device" does not include a device that:
291 (i) facilitates cannabis combustion; or
292 (ii) an individual uses to ingest substances other than cannabis.

293 ~~[(31)]~~ (34) "Medical cannabis guardian card" means an electronic document that a
294 cardholder may print or store on an electronic device or a physical card or document that:

- 295 (a) the department issues to the parent or legal guardian of a minor with a qualifying
296 condition; and
297 (b) is connected to the electronic verification system.

298 ~~[(32)]~~ (35) "Medical cannabis patient card" means an electronic document that a
299 cardholder may print or store on an electronic device or a physical card or document that:

- 300 (a) the department issues to an individual with a qualifying condition; and
301 (b) is connected to the electronic verification system.

302 ~~[(33)]~~ (36) "Medical cannabis pharmacy" means a person that:

- 303 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
304 medicinal dosage form from a cannabis processing facility or another medical cannabis

305 pharmacy or a medical cannabis device; or

306 (ii) possesses medical cannabis or a medical cannabis device; and

307 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
308 cannabis cardholder.

309 ~~[(34)]~~ (37) "Medical cannabis pharmacy agent" means an individual ~~[who: (a) is an~~
310 ~~employee of a medical cannabis pharmacy; and (b)]~~ who holds a valid medical cannabis
311 pharmacy agent registration card issued by the department.

312 ~~[(35)]~~ (38) "Medical cannabis pharmacy agent registration card" means a registration
313 card issued by the department that authorizes an individual to act as a medical cannabis
314 pharmacy agent.

315 ~~[(36)]~~ (39) "Medical cannabis shipment" means a shipment of medical cannabis or a
316 medical cannabis product that a home delivery medical cannabis pharmacy or a medical
317 cannabis courier delivers to a ~~[medical cannabis cardholder's home address]~~ delivery address to
318 fulfill an electronic medical cannabis order that the state central patient portal facilitates.

319 ~~[(37)]~~ (40) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
320 cannabis product in a medicinal dosage form, or a medical cannabis device.

321 ~~[(38)]~~ (41) (a) "Medicinal dosage form" means:

322 (i) for processed medical cannabis or a medical cannabis product, the following with a
323 specific and consistent cannabinoid content:

324 (A) a tablet;

325 (B) a capsule;

326 (C) a concentrated liquid or viscous oil;

327 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

328 (E) a topical preparation;

329 (F) a transdermal preparation;

330 (G) a sublingual preparation;

331 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
332 rectangular cuboid shape;

333 (I) a resin or wax; or

334 (J) an aerosol; or

335 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:

336 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
337 stated weight at the time of packaging;

338 (B) at any time the medical cannabis cardholder transports or possesses the container in
339 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
340 and

341 (C) is labeled with the container's content and weight, the date of purchase, the legal
342 use termination date, and after December 31, 2020, a barcode that provides information
343 connected to an inventory control system; and

344 (iii) a form measured in grams, milligrams, or milliliters.

345 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

346 (i) the medical cannabis cardholder has recently removed from the container described
347 in Subsection [~~(38)~~] (41)(a)(ii) for use; and

348 (ii) does not exceed the quantity described in Subsection [~~(38)~~] (41)(a)(ii).

349 (c) "Medicinal dosage form" does not include:

350 (i) any unprocessed cannabis flower outside of the container described in Subsection
351 [~~(38)~~] (41)(a)(ii), except as provided in Subsection [~~(38)~~] (41)(b);

352 (ii) any unprocessed cannabis flower in a container described in Subsection [~~(38)~~]
353 (41)(a)(ii) after the legal use termination date;

354 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
355 on a nail or other metal object that is heated by a flame, including a blowtorch; or

356 (iv) a liquid suspension that is branded as a beverage.

357 [~~(39)~~] (42) "Nonresident patient" means an individual who:

358 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

359 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
360 card under the laws of another state, district, territory, commonwealth, or insular possession of
361 the United States; and

362 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.

363 [~~(40)~~] (43) "Payment provider" means an entity that contracts with a cannabis
364 production establishment or medical cannabis pharmacy to facilitate transfers of funds between
365 the establishment or pharmacy and other businesses or individuals.

366 [~~(41)~~] (44) "Pharmacy medical provider" means the medical provider required to be on

367 site at a medical cannabis pharmacy under Section [26-61a-403](#).

368 [~~42~~] (45) "Provisional patient card" means a card that:

369 (a) the department issues to a minor with a qualifying condition for whom:

370 (i) a recommending medical provider has recommended a medical cannabis treatment;

371 and

372 (ii) the department issues a medical cannabis guardian card to the minor's parent or

373 legal guardian; and

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

375 [~~43~~] (46) "Qualified medical provider" means an individual:

376 (a) who meets the recommending qualifications; and

377 (b) whom the department registers to recommend treatment with cannabis in a

378 medicinal dosage form under Section [26-61a-106](#).

379 [~~44~~] (47) "Qualified Patient Enterprise Fund" means the enterprise fund created in
380 Section [26-61a-109](#).

381 [~~45~~] (48) "Qualifying condition" means a condition described in Section [26-61a-104](#).

382 [~~46~~] (49) "Recommend" or "recommendation" means, for a recommending medical
383 provider, the act of suggesting the use of medical cannabis treatment, which:

384 (a) certifies the patient's eligibility for a medical cannabis card; and

385 (b) may include, at the recommending medical provider's discretion, directions of use,
386 with or without dosing guidelines.

387 [~~47~~] (50) "Recommending medical provider" means a qualified medical provider or a
388 limited medical provider.

389 [~~48~~] (51) "Recommending qualifications" means that an individual:

390 (a) (i) has the authority to write a prescription;

391 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
392 Controlled Substances Act; and

393 (iii) possesses the authority, in accordance with the individual's scope of practice, to
394 prescribe a Schedule II controlled substance; and

395 (b) is licensed as:

396 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

397 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice

398 Act;

399 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
400 Chapter 68, Utah Osteopathic Medical Practice Act; or

401 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

402 ~~[(49)]~~ (52) "State central patient portal" means the website the department creates, in
403 accordance with Section ~~26-61a-601~~, to facilitate patient safety, education, and an electronic
404 medical cannabis order.

405 ~~[(50)]~~ "State central patient portal medical provider" means a physician or pharmacist
406 that the department employs in relation to the state central patient portal to consult with
407 medical cannabis cardholders in accordance with Section ~~26-61a-602~~.]

408 ~~[(51)]~~ (53) "State electronic verification system" means the system described in Section
409 ~~26-61a-103~~.

410 (54) "Targeted marketing" means the promotion by a medical cannabis pharmacy of a
411 medical cannabis product, medical cannabis brand, or a medical cannabis device using any of
412 the following methods:

413 (a) electronic communication ~~H→~~ **[that requires acknowledgment by the individual receiving**
414 **or accessing the communication that the individual is at least 21 years old] to an individual who is at**
414a **least 21 years old and has requested to receive promotional information from the medical**
414b **cannabis pharmacy** ~~←H~~ ;

415 (b) an in-person marketing event that is:

416 (i) held inside a medical cannabis pharmacy; and

417 (ii) in an area where only a medical cannabis cardholder may access the event; or

418 (c) other marketing material that is physically available or digitally displayed in:

419 (i) a medical cannabis pharmacy; and

420 (ii) an area where only a medical cannabis cardholder has access.

421 ~~[(52)]~~ (55) "Tetrahydrocannabinol" or "THC" means a substance derived from
422 cannabis or a synthetic equivalent as described in Subsection ~~58-37-4(2)(a)(iii)(AA)~~.

423 ~~[(53)]~~ (56) "THC analog" means the same as that term is defined in Section ~~4-41-102~~.

424 ~~[(54)]~~ "Valid form of photo identification" means any of the following forms of
425 identification that is either current or has expired within the previous six months:]

426 ~~[(a)]~~ ~~a valid state-issued driver license or identification card;~~]

427 ~~[(b)]~~ ~~a valid United States federal-issued photo identification, including:]~~

428 ~~[(i)]~~ ~~a United States passport;]~~

- 429 [~~(ii) a United States passport card;~~]
- 430 [~~(iii) a United States military identification card; or~~]
- 431 [~~(iv) a permanent resident card or alien registration receipt card; or~~]
- 432 [~~(c) a passport that another country issued.~~]

433 Section 4. Section **26-61a-103** is amended to read:

434 **26-61a-103. Electronic verification system.**

435 (1) The Department of Agriculture and Food, the department, the Department of Public
436 Safety, and the Division of Technology Services shall:

437 (a) enter into a memorandum of understanding in order to determine the function and
438 operation of the state electronic verification system in accordance with Subsection (2);

439 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
440 Procurement Code, to develop a request for proposals for a third-party provider to develop and
441 maintain the state electronic verification system in coordination with the Division of
442 Technology Services; and

443 (c) select a third-party provider who:

444 (i) meets the requirements contained in the request for proposals issued under
445 Subsection (1)(b); and

446 (ii) may not have any commercial or ownership interest in a cannabis production
447 establishment or a medical cannabis pharmacy.

448 (2) The Department of Agriculture and Food, the department, the Department of Public
449 Safety, and the Division of Technology Services shall ensure that~~[, on or before March 1,~~
450 ~~2020,]~~ the state electronic verification system described in Subsection (1):

451 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
452 medical cannabis guardian card, provided that the card may not become active until:

453 (i) the relevant qualified medical provider completes the associated medical cannabis
454 recommendation; or

455 (ii) for a medical cannabis card related to a limited medical provider's
456 recommendation, the medical cannabis pharmacy completes the recording described in
457 Subsection (2)(d);

458 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
459 cannabis guardian card in accordance with Section [26-61a-201](#);

460 (c) allows a qualified medical provider, or an employee described in Subsection (3)
461 acting on behalf of the qualified medical provider, to:

462 (i) access dispensing and card status information regarding a patient:

463 (A) with whom the qualified medical provider has a provider-patient relationship; and

464 (B) for whom the qualified medical provider has recommended or is considering
465 recommending a medical cannabis card;

466 (ii) electronically recommend~~[, after an initial face-to-face visit with a patient~~
467 ~~described in Subsection 26-61a-201(4)(a)(iii),]~~ treatment with cannabis in a medicinal dosage
468 form or a cannabis product in a medicinal dosage form and optionally recommend dosing
469 guidelines; ~~[and]~~

470 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
471 medical cannabis guardian cardholder:

472 (A) using telehealth services, for the qualified medical provider who originally
473 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

474 (B) during a face-to-face visit with the patient, for a qualified medical provider who
475 did not originally recommend the medical cannabis treatment during a face-to-face visit~~[-]; and~~

476 (iv) submit an initial application, renewal application, or application payment on behalf
477 of an individual applying for any of the following:

478 (A) a medical cannabis patient card;

479 (B) a medical cannabis guardian card; or

480 (C) a medical cannabis caregiver card;

481 (d) ~~[beginning on the earlier of September 1, 2021, or the date on which the electronic~~
482 ~~verification system is functionally capable of facility medical cannabis pharmacy recording,]~~
483 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
484 accordance with Subsection 26-61a-501(10)(a), to:

485 (i) access the electronic verification system to review the history within the system of a
486 patient with whom the provider or agent is interacting, limited to read-only access for medical
487 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
488 authorizes add and edit access;

489 (ii) record a patient's recommendation from a limited medical provider, including any
490 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;

491 [and]

492 (iii) record a limited medical provider's renewal of the provider's previous
493 recommendation; and

494 (iv) submit an initial application, renewal application, or application payment on behalf
495 of an individual applying for any of the following:

496 (A) a medical cannabis patient card;

497 (B) a medical cannabis guardian card; or

498 (C) a medical cannabis caregiver card;

499 (e) connects with:

500 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
501 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
502 medicinal dosage form, or a medical cannabis device, including:

503 (A) the time and date of each purchase;

504 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
505 purchased;

506 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
507 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
508 device; and

509 (D) the personally identifiable information of the medical cannabis cardholder who
510 made the purchase; and

511 (ii) any commercially available inventory control system that a cannabis production
512 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
513 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
514 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
515 track and confirm compliance;

516 (f) provides access to:

517 (i) the department to the extent necessary to carry out the department's functions and
518 responsibilities under this chapter;

519 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
520 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
521 41a, Cannabis Production Establishments; and

522 (iii) the Division of Professional Licensing to the extent necessary to carry out the
523 functions and responsibilities related to the participation of the following in the
524 recommendation and dispensing of medical cannabis:

525 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

526 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

527 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
528 Practice Act;

529 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
530 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

531 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
532 Act;

533 (g) provides access to and interaction with the state central patient portal;

534 (h) communicates dispensing information from a record that a medical cannabis
535 pharmacy submits to the state electronic verification system under Subsection

536 ~~[26-61a-502(6)(a)(ii)]~~ 26-61a-502(5)(a)(ii) to the controlled substance database;

537 (i) provides access to state or local law enforcement:

538 (i) during a law enforcement encounter, without a warrant, using the individual's driver
539 license or state ID, only for the purpose of determining if the individual subject to the law
540 enforcement encounter has a valid medical cannabis card; or

541 (ii) after obtaining a warrant; and

542 (j) creates a record each time a person accesses the system that identifies the person
543 who accesses the system and the individual whose records the person accesses.

544 (3) (a) ~~[Beginning on the earlier of September 1, 2021, or the date on which the~~
545 ~~electronic verification system is functionally capable of allowing employee access under this~~
546 ~~Subsection (3), an] An~~ employee of a qualified medical provider may access the electronic
547 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
548 medical provider if:

549 (i) the qualified medical provider has designated the employee as an individual
550 authorized to access the electronic verification system on behalf of the qualified medical
551 provider;

552 (ii) the qualified medical provider provides written notice to the department of the

553 employee's identity and the designation described in Subsection (3)(a)(i); and
554 (iii) the department grants to the employee access to the electronic verification system.

555 (b) An employee of a business that employs a qualified medical provider may access
556 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
557 qualified medical provider if:

558 (i) the qualified medical provider has designated the employee as an individual
559 authorized to access the electronic verification system on behalf of the qualified medical
560 provider;

561 (ii) the qualified medical provider and the employing business jointly provide written
562 notice to the department of the employee's identity and the designation described in Subsection
563 (3)(b)(i); and

564 (iii) the department grants to the employee access to the electronic verification system.

565 (4) (a) As used in this Subsection (4), "prescribing provider" means:

566 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

567 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
568 Practice Act;

569 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
570 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

571 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
572 Assistant Act.

573 (b) [~~Beginning on the earlier of September 1, 2021, or the date on which the electronic~~
574 ~~verification system is functionally capable of allowing provider access under this Subsection~~
575 ~~(4), a~~] A prescribing provider may access information in the electronic verification system
576 regarding a patient the prescribing provider treats.

577 (5) The department may release limited data that the system collects for the purpose of:

578 (a) conducting medical and other department approved research;

579 (b) providing the report required by Section [26-61a-703](#); and

580 (c) other official department purposes.

581 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
582 Administrative Rulemaking Act, to establish:

583 (a) the limitations on access to the data in the state electronic verification system as

584 described in this section; and

585 (b) standards and procedures to ensure accurate identification of an individual
586 requesting information or receiving information in this section.

587 (7) (a) Any person who knowingly and intentionally releases any information in the
588 state electronic verification system in violation of this section is guilty of a third degree felony.

589 (b) Any person who negligently or recklessly releases any information in the state
590 electronic verification system in violation of this section is guilty of a class C misdemeanor.

591 (8) (a) Any person who obtains or attempts to obtain information from the state
592 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

593 (b) Any person who obtains or attempts to obtain information from the state electronic
594 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
595 degree felony.

596 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
597 intentionally use, release, publish, or otherwise make available to any other person information
598 obtained from the state electronic verification system for any purpose other than a purpose
599 specified in this section.

600 (b) Each separate violation of this Subsection (9) is:

601 (i) a third degree felony; and

602 (ii) subject to a civil penalty not to exceed \$5,000.

603 (c) The department shall determine a civil violation of this Subsection (9) in
604 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

605 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
606 General Fund.

607 (e) This Subsection (9) does not prohibit a person who obtains information from the
608 state electronic verification system under Subsection (2)(a), (c), or (f) from:

609 (i) including the information in the person's medical chart or file for access by a person
610 authorized to review the medical chart or file;

611 (ii) providing the information to a person in accordance with the requirements of the
612 Health Insurance Portability and Accountability Act of 1996; or

613 (iii) discussing or sharing that information about the patient with the patient.

614 Section 5. Section **26-61a-104** is amended to read:

615 **26-61a-104. Qualifying condition.**

616 (1) By designating a particular condition under Subsection (2) for which the use of
617 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
618 state that:

619 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
620 treatment for the condition; or

621 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

622 (2) For the purposes of this chapter, each of the following conditions is a qualifying
623 condition:

624 (a) HIV or acquired immune deficiency syndrome;

625 (b) Alzheimer's disease;

626 (c) amyotrophic lateral sclerosis;

627 (d) cancer;

628 (e) cachexia;

629 (f) persistent nausea that is not significantly responsive to traditional treatment, except
630 for nausea related to:

631 (i) pregnancy;

632 (ii) cannabis-induced cyclical vomiting syndrome; or

633 (iii) cannabinoid hyperemesis syndrome;

634 (g) Crohn's disease or ulcerative colitis;

635 (h) epilepsy or debilitating seizures;

636 (i) multiple sclerosis or persistent and debilitating muscle spasms;

637 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
638 mental health therapist, as that term is defined in Section [58-60-102](#), and that:

639 (i) has been diagnosed by a healthcare provider or mental health provider employed or
640 contracted by the United States Veterans Administration, evidenced by copies of medical
641 records from the United States Veterans Administration that are included as part of the
642 qualified medical provider's pre-treatment assessment and medical record documentation; or

643 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
644 the patient, by a provider who is:

645 (A) a licensed board-eligible or board-certified psychiatrist;

- 646 (B) a licensed psychologist with a master's-level degree;
- 647 (C) a licensed clinical social worker with a master's-level degree; [or]
- 648 (D) a licensed advanced practice registered nurse who is qualified to practice within
- 649 the psychiatric mental health nursing specialty and who has completed the clinical practice
- 650 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
- 651 with Subsection [58-31b-302\(5\)\(g\)](#); or
- 652 (E) a licensed physician assistant who is qualified to specialize in mental health care
- 653 under Section [58-70a-501.1](#);
- 654 (k) autism;
- 655 (l) a terminal illness when the patient's remaining life expectancy is less than six
- 656 months;
- 657 (m) a condition resulting in the individual receiving hospice care;
- 658 (n) a rare condition or disease that:
- 659 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
- 660 of the Federal Food, Drug, and Cosmetic Act; and
- 661 (ii) is not adequately managed despite treatment attempts using:
- 662 (A) conventional medications other than opioids or opiates; or
- 663 (B) physical interventions;
- 664 (o) pain lasting longer than two weeks that is not adequately managed, in the qualified
- 665 medical provider's opinion, despite treatment attempts using:
- 666 (i) conventional medications other than opioids or opiates; or
- 667 (ii) physical interventions;
- 668 (p) pain that is expected to last for two weeks or longer for an acute condition,
- 669 including a surgical procedure, for which a medical professional may generally prescribe
- 670 opioids for a limited duration, subject to Subsection [26-61a-201\(5\)\(c\)](#); and
- 671 (q) a condition that the Compassionate Use Board approves under Section [26-61a-105](#),
- 672 on an individual, case-by-case basis.

673 Section 6. Section **26-61a-105** is amended to read:

674 **26-61a-105. Compassionate Use Board.**

675 (1) (a) The department shall establish a Compassionate Use Board consisting of:

- 676 (i) seven qualified medical providers that the executive director appoints and the

677 Senate confirms:

678 (A) who are knowledgeable about the medicinal use of cannabis;

679 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
680 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

681 (C) [~~whom the appropriate board certifies~~] who are board certified by the American
682 Board of Medical Specialties or an American Osteopathic Association Specialty Certifying
683 Board in the specialty of neurology, pain medicine and pain management, medical oncology,
684 psychiatry, infectious disease, internal medicine, pediatrics, family medicine, or
685 gastroenterology; and

686 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
687 executive director or the director's designee.

688 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
689 the executive director shall ensure that at least two have a board certification in pediatrics.

690 (2) (a) Of the members of the Compassionate Use Board that the executive director
691 first appoints:

692 (i) three shall serve an initial term of two years; and

693 (ii) the remaining members shall serve an initial term of four years.

694 (b) After an initial term described in Subsection (2)(a) expires:

695 (i) each term is four years; and

696 (ii) each board member is eligible for reappointment.

697 (c) A member of the Compassionate Use Board may serve until a successor is
698 appointed.

699 (3) Four members constitute a quorum of the Compassionate Use Board.

700 (4) A member of the Compassionate Use Board may receive:

701 (a) notwithstanding Section [63A-3-106](#), compensation or benefits for the member's
702 service; and

703 (b) travel expenses in accordance with Section [63A-3-107](#) and rules made by the
704 Division of Finance in accordance with Section [63A-3-107](#).

705 (5) The Compassionate Use Board shall:

706 (a) review and recommend for department approval a petition to the board regarding an
707 individual described in Subsection [26-61a-201\(2\)\(a\)](#), a minor described in Subsection

708 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
709 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
710 period of validity, if:

711 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
712 the individual's qualified medical provider is actively treating the individual for an intractable
713 condition that:

714 (A) substantially impairs the individual's quality of life; and

715 (B) has not, in the qualified medical provider's professional opinion, adequately
716 responded to conventional treatments;

717 (ii) the qualified medical provider:

718 (A) recommends that the individual or minor be allowed to use medical cannabis; and

719 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
720 describing relevant treatment history including rationale for considering the use of medical
721 cannabis; and

722 (iii) the Compassionate Use Board determines that:

723 (A) the recommendation of the individual's qualified medical provider is justified; and

724 (B) based on available information, it may be in the best interests of the individual to
725 allow the use of medical cannabis;

726 (b) ~~[review and approve or deny the use of a medical cannabis device for an individual
727 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection~~

728 ~~26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the
729 individual or minor be allowed to use a medical cannabis device to vaporize the medical~~

730 ~~cannabis treatment;] when a qualified medical provider recommends that an individual
731 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection~~

732 ~~26-61a-201(2)(c) be allowed to use a medical cannabis device or medical cannabis product to
733 vaporize a medical cannabis treatment, review and approve or deny the use of the medical~~

734 ~~cannabis device or medical cannabis product;~~

735 (c) unless no petitions are pending:

736 (i) meet to receive or review compassionate use petitions at least quarterly; and

737 (ii) if there are more petitions than the board can receive or review during the board's
738 regular schedule, as often as necessary;

739 (d) except as provided in Subsection (6), complete a review of each petition and
740 recommend to the department approval or denial of the applicant for qualification for a medical
741 cannabis card within 90 days after the day on which the board received the petition;

742 (e) consult with the department regarding the criteria described in Subsection (6); and

743 (f) report, before November 1 of each year, to the Health and Human Services Interim
744 Committee:

745 (i) the number of compassionate use recommendations the board issued during the past
746 year; and

747 (ii) the types of conditions for which the board recommended compassionate use.

748 (6) The department shall make rules, in consultation with the Compassionate Use
749 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
750 establish a process and criteria for a petition to the board to automatically qualify for expedited
751 final review and approval or denial by the department in cases where, in the determination of
752 the department and the board:

753 (a) time is of the essence;

754 (b) engaging the full review process would be unreasonable in light of the petitioner's
755 physical condition; and

756 (c) sufficient factors are present regarding the petitioner's safety.

757 (7) (a) (i) The department shall review:

758 (A) any compassionate use for which the Compassionate Use Board recommends
759 approval under Subsection (5)(d) to determine whether the board properly exercised the board's
760 discretion under this section; and

761 (B) any expedited petitions the department receives under the process described in
762 Subsection (6).

763 (ii) If the department determines that the Compassionate Use Board properly exercised
764 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited
765 petition merits approval based on the criteria established in accordance with Subsection (6), the
766 department shall:

767 (A) issue the relevant medical cannabis card; and

768 (B) provide for the renewal of the medical cannabis card in accordance with the
769 recommendation of the qualified medical provider described in Subsection (5)(a).

770 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),
771 the individual seeking to obtain a medical cannabis card may petition the department to review
772 the board's decision.

773 (ii) If the department determines that the Compassionate Use Board's recommendation
774 for denial under Subsection (5)(d) was arbitrary or capricious:

775 (A) the department shall notify the Compassionate Use Board of the department's
776 determination; and

777 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend
778 approval under this section.

779 (c) In reviewing the Compassionate Use Board's recommendation for approval or
780 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
781 presume the board properly exercised the board's discretion unless the department determines
782 that the board's recommendation was arbitrary or capricious.

783 (8) Any individually identifiable health information contained in a petition that the
784 Compassionate Use Board or department receives under this section is a protected record in
785 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

786 (9) The Compassionate Use Board shall annually report the board's activity to the
787 Cannabis Research Review Board.

788 Section 7. Section **26-61a-106** is amended to read:

789 **26-61a-106. Qualified medical provider registration -- Continuing education --**
790 **Treatment recommendation -- Limited medical provider.**

791 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
792 medical cannabis treatment unless the department registers the individual as a qualified
793 medical provider in accordance with this section.

794 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
795 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
796 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
797 term is defined in Section [58-5a-102](#).

798 (b) [~~Beginning on the earlier of September 1, 2021, or the date on which the~~
799 ~~department gives notice that the electronic verification system is functionally capable as~~
800 ~~described in Subsection [26-61a-103](#)(2)(d), an~~ An individual who meets the recommending

801 qualifications may recommend a medical cannabis treatment as a limited medical provider
802 without registering under Subsection (1)(a) if:

803 (i) the individual recommends the use of medical cannabis to the patient through an
804 order described in Subsection (1)(c) after:

805 (A) a face-to-face visit for an initial recommendation or the renewal of a
806 recommendation for a patient for whom the limited medical provider did not make the patient's
807 original recommendation; or

808 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
809 whom the limited medical provider made the patient's original recommendation; and

810 (ii) the individual's recommendation or renewal would not cause the total number of
811 the individual's patients who have a valid medical cannabis patient card or provisional patient
812 card resulting from the individual's recommendation to exceed 15.

813 (c) The individual described in Subsection (1)(b) shall communicate the individual's
814 recommendation through an order for the medical cannabis pharmacy to record the individual's
815 recommendation or renewal in the state electronic verification system under the individual's
816 recommendation that:

817 (i) (A) that the individual or the individual's employee sends electronically to a medical
818 cannabis pharmacy; or

819 (B) that the individual gives to the patient in writing for the patient to deliver to a
820 medical cannabis pharmacy; and

821 (ii) may include:

822 (A) directions of use or dosing guidelines; and

823 (B) an indication of a need for a caregiver in accordance with Subsection
824 26-61a-201(3)(c).

825 (d) If the limited medical provider gives the patient a written recommendation to
826 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
827 provider shall ensure that the document includes all of the information that is included on a
828 prescription the provider would issue for a controlled substance, including:

829 (i) the date of issuance;

830 (ii) the provider's name, address and contact information, controlled substance license
831 information, and signature; and

832 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
833 condition.

834 (e) In considering making a recommendation as a limited medical provider, an
835 individual may consult information that the department makes available on the department's
836 website for recommending providers.

837 (2) (a) The department shall, within 15 days after the day on which the department
838 receives an application from an individual, register and issue a qualified medical provider
839 registration card to the individual if the individual:

840 (i) provides to the department the individual's name and address;

841 (ii) provides to the department [~~a report detailing the individual's completion of the~~
842 ~~applicable continuing education requirement described in Subsection (3)] an acknowledgment
843 that the individual has completed four hours of continuing education related to medical
844 cannabis;~~

845 (iii) provides to the department evidence that the individual meets the recommending
846 qualifications;

847 (iv) for an applicant on or after November 1, 2021, provides to the department the
848 information described in Subsection (10)(a); and

849 (v) pays the department a fee in an amount that:

850 (A) the department sets, in accordance with Section 63J-1-504; and

851 (B) does not exceed \$300 for an initial registration.

852 (b) The department may not register an individual as a qualified medical provider if the
853 individual is:

854 (i) a pharmacy medical provider; or

855 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
856 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

857 (3) (a) An individual shall complete the continuing education [~~described in this~~
858 ~~Subsection (3)] related to medical cannabis in the following amounts:~~

859 (i) for an individual as a condition precedent to registration, four hours; and

860 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
861 every two years.

862 [~~(b) In accordance with Subsection (3)(a), a qualified medical provider shall:]~~

863 ~~[(i) complete continuing education:]~~
864 ~~[(A) regarding the topics described in Subsection (3)(d); and]~~
865 ~~[(B) offered by the department under Subsection (3)(c) or an accredited or approved~~
866 ~~continuing education provider that the department recognizes as offering continuing education~~
867 ~~appropriate for the recommendation of cannabis to patients; and]~~
868 ~~[(ii) make a continuing education report to the department in accordance with a process~~
869 ~~that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah~~
870 ~~Administrative Rulemaking Act, and in collaboration with the Division of Professional~~
871 ~~Licensing and:]~~
872 ~~[(A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing~~
873 ~~Act, the Podiatric Physician Board;]~~
874 ~~[(B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,~~
875 ~~Nurse Practice Act, the Board of Nursing;]~~
876 ~~[(C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical~~
877 ~~Practice Act, the Physicians Licensing Board;]~~
878 ~~[(D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah~~
879 ~~Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;~~
880 ~~and]~~
881 ~~[(E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician~~
882 ~~Assistant Act, the Physician Assistant Licensing Board.]~~
883 ~~[(e)]~~ (b) The department may, in consultation with the Division of Professional
884 Licensing, develop [the] continuing education [~~described in this Subsection (3)~~] related to
885 medical cannabis.
886 ~~[(d)]~~ (c) The continuing education described in this Subsection (3) may discuss:
887 (i) the provisions of this chapter;
888 (ii) general information about medical cannabis under federal and state law;
889 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
890 including risks and benefits;
891 (iv) recommendations for medical cannabis as it relates to the continuing care of a
892 patient in pain management, risk management, potential addiction, or palliative care; and
893 (v) best practices for recommending the form and dosage of medical cannabis products

894 based on the qualifying condition underlying a medical cannabis recommendation.

895 ~~[(4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not~~
 896 ~~recommend a medical cannabis treatment to more than 275 of the qualified medical provider's~~
 897 ~~patients at the same time, as determined by the number of medical cannabis cards under the~~
 898 ~~qualified medical provider's name in the state electronic verification system.]~~

899 ~~[(b) A qualified medical provider may recommend a medical cannabis treatment to up~~
 900 ~~to 600 of the qualified medical provider's patients at any given time, as determined by the~~
 901 ~~number of medical cannabis cards under the qualified medical provider's name in the state~~
 902 ~~electronic verification system, if:]~~

903 ~~[(i) the appropriate American medical board has certified the qualified medical~~
 904 ~~provider in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain,~~
 905 ~~hospice and palliative medicine, physical medicine and rehabilitation, rheumatology,~~
 906 ~~endocrinology, or psychiatry; or]~~

907 ~~[(ii) a licensed business employs or contracts with the qualified medical provider for~~
 908 ~~the specific purpose of providing hospice and palliative care.]~~

909 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
 910 recommend a medical cannabis treatment to more than ~~H~~→ [2] 1.5 ←~~H~~ % of the total amount of
 910a medical
 911 cannabis patient cardholders.

912 (b) If a qualified medical provider receives payment from an insurance plan for
 913 services provided under this chapter, then the patient whose insurance plan was billed does not
 914 count toward the ~~H~~→ [2] 1.5 ←~~H~~ % patient cap described in Subsection (4)(a).

915 (5) A recommending medical provider may recommend medical cannabis to an
 916 individual under this chapter only in the course of a provider-patient relationship after the
 917 recommending medical provider has completed and documented in the patient's medical record
 918 a thorough assessment of the patient's condition and medical history based on the appropriate
 919 standard of care for the patient's condition.

920 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
 921 individual recommends a medical cannabis treatment.

922 (b) Notwithstanding Subsection (6)(a) and subject to Section 26-61a-116, a qualified
 923 medical provider or clinic or office that employs a qualified medical provider may advertise the
 924 following:

- 925 (i) a green cross;
- 926 (ii) the provider's or clinic's name and logo;
- 927 (iii) a qualifying condition that the individual treats;
- 928 (iv) that the individual is registered as a qualified medical provider and recommends
- 929 medical cannabis; or
- 930 (v) a scientific study regarding medical cannabis use.
- 931 (7) (a) A qualified medical provider registration card expires two years after the day on
- 932 which the department issues the card.
- 933 (b) The department shall renew a qualified medical provider's registration card if the
- 934 provider:
- 935 (i) applies for renewal;
- 936 (ii) is eligible for a qualified medical provider registration card under this section,
- 937 including maintaining an unrestricted license under the recommending qualifications;
- 938 (iii) certifies to the department in a renewal application that the information in
- 939 Subsection (2)(a) is accurate or updates the information;
- 940 (iv) submits a report detailing the completion of the continuing education requirement
- 941 described in Subsection (3); and
- 942 (v) pays the department a fee in an amount that:
- 943 (A) the department sets, in accordance with Section [63J-1-504](#); and
- 944 (B) does not exceed \$50 for a registration renewal.
- 945 (8) The department may revoke the registration of a qualified medical provider who
- 946 fails to maintain compliance with the requirements of this section.
- 947 (9) A recommending medical provider may not receive any compensation or benefit for
- 948 the qualified medical provider's medical cannabis treatment recommendation from:
- 949 (a) a cannabis production establishment or an owner, officer, director, board member,
- 950 employee, or agent of a cannabis production establishment;
- 951 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
- 952 employee, or agent of a medical cannabis pharmacy; or
- 953 (c) a recommending medical provider or pharmacy medical provider.
- 954 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
- 955 the department, in a manner designated by the department:

956 (i) if applicable, that the qualified medical provider or the entity that employs the
957 qualified medical provider represents online or on printed material that the qualified medical
958 provider is a qualified medical provider or offers medical cannabis recommendations to
959 patients; and

960 (ii) the fee amount that the qualified medical provider or the entity that employs the
961 qualified medical provider charges a patient for a medical cannabis recommendation, either as
962 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

963 (b) The department shall:

964 (i) ensure that the following information related to qualified medical providers and
965 entities described in Subsection (10)(a)(i) is available on the department's website or on the
966 health care price transparency tool under Subsection (10)(b)(ii):

967 (A) the name of the qualified medical provider and, if applicable, the name of the
968 entity that employs the qualified medical provider;

969 (B) the address of the qualified medical provider's office or, if applicable, the entity
970 that employs the qualified medical provider; and

971 (C) the fee amount described in Subsection (10)(a)(ii); and

972 (ii) share data collected under this Subsection (10) with the state auditor for use in the
973 health care price transparency tool described in Section 67-3-11.

974 Section 8. Section 26-61a-116 is amended to read:

975 **26-61a-116. Advertising.**

976 (1) Except as provided in this chapter, a person may not advertise regarding the
977 recommendation, sale, dispensing, or transportation of medical cannabis[-], including:

978 (a) a promotional discount or incentive;

979 (b) a particular medical cannabis product, medical cannabis device, medical cannabis
980 brand, or medicinal dosage form; or

981 (c) an assurance of a medical outcome related to a medical cannabis treatment.

982 [~~2) Notwithstanding any authorization to advertise regarding medical cannabis under~~
983 ~~this chapter, the person advertising may not advertise:]~~

984 [~~(a) using promotional discounts or incentives;]~~

985 [~~(b) a particular medical cannabis product, medical cannabis device, or medicinal~~
986 ~~dosage form; or]~~

987 [~~(c)~~] ~~an assurance regarding an outcome related to medical cannabis treatment.]~~

988 [~~(3)~~] (2) Notwithstanding Subsection (1):

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

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

996 [~~(4)~~] (3) To ensure that the name and logo of a licensee under this chapter have a
997 medical rather than a recreational disposition, the name and logo of the licensee:

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

999 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"
1000 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"
1001 "relief," "treatment," and "patient;" or

1002 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom";

1003 (b) may not include:

1004 (i) any term, statement, design representation, picture, or illustration that is associated
1005 with a recreational disposition or that appeals to children;

1006 (ii) an emphasis on a psychoactive ingredient;

1007 (iii) a specific cannabis strain; or

1008 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"
1009 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"
1010 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"
1011 "bong," "budtender," "dab," "blaze," "toke," or "420."

1012 [~~(5)~~] (4) The department shall define standards for advertising authorized under this
1013 chapter, including names and logos in accordance with Subsection (4), to ensure a medical
1014 rather than recreational disposition.

1015 Section 9. Section **26-61a-117** is enacted to read:

1016 **26-61a-117. Government issued photo identification.**

1017 A government issued photo identification is valid for purposes of this chapter if the

1018 identification:

1019 (1) is unexpired;

1020 (2) expired within the previous six months; or

1021 (3) is expired and belongs to an individual who:

1022 (a) as reported by the individual's recommending medical provider is in hospice or has
1023 a terminal illness; or

1024 (b) is a patient or resident of:

1025 (i) an assisted living facility, as defined in Section 26-21-2;

1026 (ii) a nursing care facility, as defined in Section 26-21-2; or

1027 (iii) a general acute hospital, as defined in Section 26-21-2.

1028 Section 10. Section **26-61a-201** is amended to read:

1029 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**

1030 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

1031 (1) (a) [~~The department shall,~~] Subject to Section 26-61a-206, within 15 days after the
1032 day on which an individual who satisfies the eligibility criteria in this section or Section
1033 26-61a-202 submits an application in accordance with this section or Section 26-61a-202, the
1034 department shall:

1035 (i) issue a medical cannabis patient card to an individual described in Subsection

1036 (2)(a);

1037 (ii) issue a medical cannabis guardian card to an individual described in Subsection

1038 (2)(b);

1039 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

1040 (iv) issue a medical cannabis caregiver card to an individual described in Subsection

1041 26-61a-202(4).

1042 (b) (i) [~~Beginning on the earlier of September 1, 2021, or the date on which the~~
1043 ~~electronic verification system is functionally capable of facilitating a conditional medical~~
1044 ~~cannabis card under this Subsection (1)(b), upon~~] Upon the entry of a recommending medical
1045 provider's medical cannabis recommendation for a patient in the state electronic verification
1046 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
1047 medical provider or medical cannabis pharmacy in accordance with Subsection
1048 26-61a-501(10)(a), the department shall issue to the patient an electronic conditional medical

1049 cannabis card, in accordance with this Subsection (1)(b).

1050 (ii) A conditional medical cannabis card is valid for the lesser of:

1051 (A) 60 days; or

1052 (B) the day on which the department completes the department's review and issues a
1053 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
1054 application, or revokes the conditional medical cannabis card under Subsection (8).

1055 (iii) The department may issue a conditional medical cannabis card to an individual
1056 applying for a medical cannabis patient card for which approval of the Compassionate Use
1057 Board is not required.

1058 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1059 obligations under law applicable to a holder of the medical cannabis card for which the
1060 individual applies and for which the department issues the conditional medical cannabis card.

1061 (2) (a) An individual is eligible for a medical cannabis patient card if:

1062 (i) (A) the individual is at least 21 years old; or

1063 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
1064 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
1065 department approval of the petition;

1066 (ii) the individual is a Utah resident;

1067 (iii) the individual's recommending medical provider recommends treatment with
1068 medical cannabis in accordance with Subsection (4);

1069 (iv) the individual signs an acknowledgment stating that the individual received the
1070 information described in Subsection (9); and

1071 (v) the individual pays to the department a fee in an amount that, subject to Subsection
1072 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1073 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

1074 (A) is at least 18 years old;

1075 (B) is a Utah resident;

1076 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
1077 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
1078 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
1079 department approval of the petition;

1080 (D) the individual signs an acknowledgment stating that the individual received the
1081 information described in Subsection (9); and

1082 (E) pays to the department a fee in an amount that, subject to Subsection
1083 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1084 criminal background check described in Section 26-61a-203~~;~~ and].

1085 ~~[(F) the individual has not been convicted of a misdemeanor or felony drug distribution~~
1086 ~~offense under either state or federal law, unless the individual completed any imposed sentence~~
1087 ~~six months or more before the day on which the individual applies for a medical cannabis~~
1088 ~~guardian card.]~~

1089 (ii) The department shall notify the Department of Public Safety of each individual that
1090 the department registers for a medical cannabis guardian card.

1091 (c) (i) A minor is eligible for a provisional patient card if:

1092 (A) the minor has a qualifying condition;

1093 (B) the minor's qualified medical provider recommends a medical cannabis treatment
1094 to address the minor's qualifying condition;

1095 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
1096 Board under Section 26-61a-105, and the Compassionate Use Board recommends department
1097 approval of the petition; and

1098 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
1099 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
1100 medical cannabis caregiver card under Section 26-61a-202.

1101 (ii) The department shall automatically issue a provisional patient card to the minor
1102 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
1103 guardian card to the minor's parent or legal guardian.

1104 (d) ~~[Beginning on the earlier of September 1, 2021, or the date on which the electronic~~
1105 ~~verification system is functionally capable of servicing the designation, if] If the parent or legal~~
1106 ~~guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a~~
1107 ~~medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may~~
1108 ~~designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that~~
1109 ~~the minor has adequate and safe access to the recommended medical cannabis treatment.~~

1110 (3) (a) An individual who is eligible for a medical cannabis card described in

1111 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
1112 department:

- 1113 (i) through an electronic application connected to the state electronic verification
1114 system;
- 1115 (ii) with the recommending medical provider; and
- 1116 (iii) with information including:
 - 1117 (A) the applicant's name, gender, age, and address;
 - 1118 (B) the number of the applicant's [~~valid form of~~] government issued photo
1119 identification;
 - 1120 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
1121 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
1122 and
 - 1123 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
1124 holds the associated medical cannabis guardian card.
- 1125 (b) The department shall ensure that a medical cannabis card the department issues
1126 under this section contains the information described in Subsection (3)(a)(iii).
- 1127 (c) (i) If a recommending medical provider determines that, because of age, illness, or
1128 disability, a medical cannabis patient cardholder requires assistance in administering the
1129 medical cannabis treatment that the recommending medical provider recommends, the
1130 recommending medical provider may indicate the cardholder's need in the state electronic
1131 verification system, either directly or, for a limited medical provider, through the order
1132 described in Subsections [26-61a-106\(1\)\(c\)](#) and (d).
- 1133 (ii) If a recommending medical provider makes the indication described in Subsection
1134 (3)(c)(i):
 - 1135 (A) the department shall add a label to the relevant medical cannabis patient card
1136 indicating the cardholder's need for assistance;
 - 1137 (B) any adult who is 18 years old or older and who is physically present with the
1138 cardholder at the time the cardholder needs to use the recommended medical cannabis
1139 treatment may handle the medical cannabis treatment and any associated medical cannabis
1140 device as needed to assist the cardholder in administering the recommended medical cannabis
1141 treatment; and

1142 (C) an individual of any age who is physically present with the cardholder in the event
1143 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle
1144 the medical cannabis treatment and any associated medical cannabis device as needed to assist
1145 the cardholder in administering the recommended medical cannabis treatment.

1146 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

1147 (A) ingest or inhale medical cannabis;

1148 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
1149 of the immediate area where the cardholder is present or with an intent other than to provide
1150 assistance to the cardholder; or

1151 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
1152 the cardholder is not in the process of being dosed with medical cannabis.

1153 (4) To recommend a medical cannabis treatment to a patient or to renew a
1154 recommendation, a recommending medical provider shall:

1155 (a) visit with the patient face-to-face for an initial recommendation unless the patient:

1156 (i) prefers a virtual visit; and

1157 (ii) (A) is on hospice or has a terminal illness according to the patient's medical
1158 provider; or

1159 (B) is a resident of an assisted living facility, as defined in Section 26-21-2, or a
1160 nursing care facility, as defined in Section 26-21-2;

1161 (b) before recommending or renewing a recommendation for medical cannabis in a
1162 medicinal dosage form or a cannabis product in a medicinal dosage form:

1163 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
1164 guardian's [~~valid form of identification~~] government issued photo identification described in
1165 Subsection (3)(a);

1166 (ii) review any record related to the patient and, for a minor patient, the patient's parent
1167 or legal guardian in:

1168 (A) for a qualified medical provider, the state electronic verification system; and

1169 (B) the controlled substance database created in Section 58-37f-201; and

1170 (iii) consider the recommendation in light of the patient's qualifying condition, history
1171 of substance use or opioid use disorder, and history of medical cannabis and controlled
1172 substance use during [~~an initial face-to-face~~] a visit with the patient; and

1173 ~~[(b)]~~ (c) state in the recommending medical provider's recommendation that the
1174 patient:

1175 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1176 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1177 product in a medicinal dosage form.

1178 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
1179 department issues under this section is valid for the lesser of:

1180 (i) an amount of time that the recommending medical provider determines; or

1181 (ii) one year from the day the card is issued.

1182 ~~[(ii) (A) six months for the first issuance, and, except as provided in Subsection~~
1183 ~~(5)(a)(ii)(B), for a renewal; or]~~

1184 ~~[(B) for a renewal, one year if, after at least one year following the issuance of the~~
1185 ~~original medical cannabis card, the recommending medical provider determines that the patient~~
1186 ~~has been stabilized on the medical cannabis treatment and a one-year renewal period is~~
1187 ~~justified.]~~

1188 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1189 illness described in Section 26-61a-104 expires after one year.

1190 (ii) The recommending medical provider may revoke a recommendation that the
1191 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical
1192 cannabis cardholder no longer has the terminal illness.

1193 (c) A medical cannabis card that the department issues in relation to acute pain as
1194 described in Section 26-61a-104 expires 30 days after the day on which the department first
1195 issues a conditional or full medical cannabis card.

1196 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
1197 renewable if:

1198 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or

1199 (b); or

1200 (ii) the cardholder received the medical cannabis card through the recommendation of
1201 the Compassionate Use Board under Section 26-61a-105.

1202 (b) The recommending medical provider who made the underlying recommendation
1203 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card

1204 through phone or video conference with the cardholder, at the recommending medical
1205 provider's discretion.

1206 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
1207 shall pay to the department a renewal fee in an amount that:

1208 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
1209 63J-1-504; and

1210 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1211 comparison to the original application process.

1212 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1213 patient card renews automatically at the time the minor's parent or legal guardian renews the
1214 parent or legal guardian's associated medical cannabis guardian card.

1215 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
1216 cannabis card with the patient's name.

1217 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
1218 purchase, in accordance with this chapter and the recommendation underlying the card,
1219 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1220 medical cannabis device.

1221 (ii) A cardholder under this section may possess or transport, in accordance with this
1222 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1223 cannabis product in a medicinal dosage form, or a medical cannabis device.

1224 (iii) To address the qualifying condition underlying the medical cannabis treatment
1225 recommendation:

1226 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1227 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1228 or a medical cannabis device; and

1229 (B) a medical cannabis guardian cardholder may assist the associated provisional
1230 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1231 product in a medicinal dosage form, or a medical cannabis device.

1232 (8) (a) The department may revoke a medical cannabis card that the department issues
1233 under this section if:

1234 (i) the recommending medical provider withdraws the medical provider's

1235 recommendation for medical cannabis; or

1236 (ii) the cardholder:

1237 ~~[(a)]~~ (A) violates this chapter; or

1238 ~~[(b)]~~ (B) is convicted under state or federal law of, after March 17, 2021, a drug
1239 distribution offense.

1240 (b) The department may not refuse to issue a medical cannabis card to a patient solely
1241 based on a prior revocation under Subsection (8)(a)(i).

1242 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1243 Utah Administrative Rulemaking Act, a process to provide information regarding the following
1244 to an individual receiving a medical cannabis card:

1245 (a) risks associated with medical cannabis treatment;

1246 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1247 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1248 Subsection 26-61a-104(1); and

1249 (c) other relevant warnings and safety information that the department determines.

1250 (10) The department may establish procedures by rule, in accordance with Title 63G,
1251 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
1252 provisions of this section.

1253 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
1254 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
1255 an individual from another state to register with the department in order to purchase medical
1256 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
1257 is visiting the state.

1258 (b) The department may only provide the registration process described in Subsection
1259 (11)(a):

1260 (i) to a nonresident patient; and

1261 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
1262 per visitation period.

1263 (12) (a) A person may submit to the department a request to conduct a research study
1264 using medical cannabis cardholder data that the state electronic verification system contains.

1265 (b) The department shall review a request described in Subsection (12)(a) to determine

1266 whether an institutional review board, as that term is defined in Section 26-61-102, could
1267 approve the research study.

1268 (c) At the time an individual applies for a medical cannabis card, the department shall
1269 notify the individual:

1270 (i) of how the individual's information will be used as a cardholder;

1271 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1272 consent under Subsection (12)(d), the individual consents to the use of the individual's
1273 information for external research; and

1274 (iii) that the individual may withdraw consent for the use of the individual's
1275 information for external research at any time, including at the time of application.

1276 (d) An applicant may, through the medical cannabis card application, and a medical
1277 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
1278 cardholder's consent to participate in external research at any time.

1279 (e) The department may release, for the purposes of a study described in this
1280 Subsection (12), information about a cardholder under this section who consents to participate
1281 under Subsection (12)(c).

1282 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
1283 consent:

1284 (i) applies to external research that is initiated after the withdrawal of consent; and

1285 (ii) does not apply to research that was initiated before the withdrawal of consent.

1286 (g) The department may establish standards for a medical research study's validity, by
1287 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1288 (13) The department shall record the issuance or revocation of a medical cannabis card
1289 under this section in the controlled substance database.

1290 Section 11. Section 26-61a-202 is amended to read:

1291 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**

1292 **Revocation.**

1293 (1) (a) A cardholder described in Section 26-61a-201 may designate, through the state
1294 central patient portal, up to two individuals, or an individual and a facility in accordance with
1295 Subsection (1)(b), to serve as a designated caregiver for the cardholder.

1296 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the

1297 electronic verification system is functionally capable of servicing the designation, a cardholder
1298 described in Section 26-61a-201 may designate one of the following types of facilities as one of
1299 the caregivers described in Subsection (1)(a):

1300 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
1301 26-21-2;

1302 (B) for a patient or resident, a nursing care facility, as that term is defined in Section
1303 26-21-2; or

1304 (C) for a patient, a general acute hospital, as that term is defined in Section 26-21-2.

1305 (ii) A facility may:

1306 (A) assign one or more employees to assist patients with medical cannabis treatment
1307 under the caregiver designation described in this Subsection (1)(b); and

1308 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1309 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
1310 designated the facility as a caregiver.

1311 (iii) The department shall make rules to regulate the practice of facilities and facility
1312 employees serving as designated caregivers under this Subsection (1)(b).

1313 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in
1314 consultation with the minor and the minor's qualified medical provider, may designate, through
1315 the state central patient portal, up to two individuals to serve as a designated caregiver for the
1316 minor, if the department determines that the parent or legal guardian is not eligible for a
1317 medical cannabis guardian card under Section 26-61a-201.

1318 (d) (i) Beginning on the earlier of September 1, 2022, or the date on which the
1319 electronic verification system is functionally capable of facilitating a conditional medical
1320 cannabis caregiver card under this Subsection (1)(d), upon the entry of a caregiver designation
1321 under Subsection (1) by a patient with a terminal illness described in Section 26-61a-104, the
1322 department shall issue to the designated caregiver an electronic conditional medical cannabis
1323 caregiver card, in accordance with this Subsection (1)(d).

1324 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

1325 (A) 60 days; or

1326 (B) the day on which the department completes the department's review and issues a
1327 medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis

1328 caregiver card application, or revokes the conditional medical cannabis caregiver card under
1329 Subsection (8).

1330 (iii) The department may issue a conditional medical cannabis card to an individual
1331 applying for a medical cannabis patient card for which approval of the Compassionate Use
1332 Board is not required.

1333 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1334 obligations under law applicable to a holder of the medical cannabis card for which the
1335 individual applies and for which the department issues the conditional medical cannabis card.

1336 (2) An individual that the department registers as a designated caregiver under this
1337 section and a facility described in Subsection (1)(b):

1338 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1339 card;

1340 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1341 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1342 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1343 cardholder;

1344 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1345 or for a service that the designated caregiver provides in relation to the role as a designated
1346 caregiver; and

1347 (d) may accept reimbursement from the designating medical cannabis cardholder for
1348 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1349 medicinal use of cannabis.

1350 (3) (a) The department shall:

1351 (i) within 15 days after the day on which an individual submits an application in
1352 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

1353 (A) is designated as a caregiver under Subsection (1);

1354 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

1355 (C) complies with this section; and

1356 (ii) notify the Department of Public Safety of each individual that the department
1357 registers as a designated caregiver.

1358 (b) The department shall ensure that a medical cannabis caregiver card contains the

1359 information described in Subsections (5)(b) and (3)(c)(i).

1360 (c) If a cardholder described in Section 26-61a-201 designates an individual as a
1361 caregiver who already holds a medical cannabis caregiver card, the individual with the medical
1362 cannabis caregiver card:

1363 (i) shall report to the department the information required of applicants under
1364 Subsection (5)(b) regarding the new designation;

1365 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1366 to file an application for another medical cannabis caregiver card;

1367 (iii) may receive an additional medical cannabis caregiver card in relation to each
1368 additional medical cannabis patient who designates the caregiver; and

1369 (iv) is not subject to an additional background check.

1370 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1371 (a) is at least 21 years old;

1372 (b) is a Utah resident;

1373 (c) pays to the department a fee in an amount that, subject to Subsection

1374 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1375 criminal background check described in Section 26-61a-203; and

1376 (d) signs an acknowledgment stating that the applicant received the information
1377 described in Subsection 26-61a-201(9)[~~and~~].

1378 [~~(e) has not been convicted of a misdemeanor or felony drug distribution offense that is~~
1379 ~~a felony under either state or federal law, unless the individual completes any imposed sentence~~
1380 ~~two or more years before the day on which the individual submits the application.]~~

1381 (5) An eligible applicant for a medical cannabis caregiver card shall:

1382 (a) submit an application for a medical cannabis caregiver card to the department
1383 through an electronic application connected to the state electronic verification system; and

1384 (b) submit the following information in the application described in Subsection (5)(a):

1385 (i) the applicant's name, gender, age, and address;

1386 (ii) the name, gender, age, and address of the cardholder described in Section
1387 26-61a-201 who designated the applicant;

1388 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1389 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical

1390 cannabis guardian cardholder; and

1391 (iv) any additional information that the department requests to assist in matching the
1392 application with the designating medical cannabis patient.

1393 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1394 department issues under this section is valid for the lesser of:

1395 (a) an amount of time that the cardholder described in Section 26-61a-201 who
1396 designated the caregiver determines; or

1397 (b) the amount of time remaining before the card of the cardholder described in Section
1398 26-61a-201 expires.

1399 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
1400 designated caregiver's medical cannabis caregiver card renews automatically at the time the
1401 cardholder described in Section 26-61a-201 who designated the caregiver:

1402 (i) renews the cardholder's card; and

1403 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1404 (b) The department shall provide a method in the card renewal process to allow a
1405 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1406 (i) signify that the cardholder renews the caregiver's designation;

1407 (ii) remove a caregiver's designation; or

1408 (iii) designate a new caregiver.

1409 [~~(8) The department may revoke a medical cannabis caregiver card if the designated
1410 caregiver:]~~

1411 [~~(a) violates this chapter; or]~~

1412 [~~(b) is convicted under state or federal law of:]~~

1413 [~~(i) a felony drug distribution offense; or]~~

1414 [~~(ii) after December 3, 2018, a misdemeanor drug distribution offense.]~~

1415 [(9)] (8) The department shall record the issuance or revocation of a medical cannabis
1416 card under this section in the controlled substance database.

1417 Section 12. Section 26-61a-206 is enacted to read:

1418 **26-61a-206. Denial or revocation of guardian and caregiver card.**

1419 The department may deny or revoke a medical cannabis guardian card or a medical
1420 cannabis caregiver card if the applicant or cardholder:

1421 (1) violates the requirements of this chapter; or
1422 (2) unless the individual completes any imposed sentence two or more years before the
1423 day on which the individual submits the application, has been convicted of any of the following
1424 under state or federal law:

1425 (a) a drug distribution offense that is a felony within the preceding 10 years; or
1426 (b) after December 3, 2018, a drug distribution offense that is a misdemeanor.

1427 Section 13. Section **26-61a-301** is amended to read:

1428 **26-61a-301. Medical cannabis pharmacy -- License -- Eligibility.**

1429 (1) A person may not operate as a medical cannabis pharmacy without a license that
1430 the department issues under this part.

1431 (2) (a) (i) Subject to Subsections (4) and (5) and to Section **26-61a-305**, the department
1432 shall issue a license to operate a medical cannabis pharmacy in accordance with Title 63G,
1433 Chapter 6a, Utah Procurement Code.

1434 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
1435 an applicant who is not eligible for a license under this section.

1436 (b) An applicant is eligible for a license under this section if the applicant submits to
1437 the department:

1438 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
1439 operate the medical cannabis pharmacy;

1440 (ii) the name and address of an individual who:

1441 (A) for a publicly traded company, has a financial or voting interest of [2] 10% or
1442 greater in the proposed medical cannabis pharmacy;

1443 (B) for a privately held company, a financial or voting interest in the proposed medical
1444 cannabis pharmacy; or

1445 (C) has the power to direct or cause the management or control of a proposed medical
1446 cannabis pharmacy;

1447 (iii) ~~[a statement that the applicant will obtain and maintain a performance bond that a~~
1448 ~~surety authorized to transact surety business in the state issues in an amount of at least~~
1449 ~~\$100,000]~~ for each application that the applicant submits to the department, a statement from
1450 the applicant that the applicant will obtain and maintain:

1451 (A) a performance bond in the amount of \$100,000 issued by a surety authorized to

1452 transact surety business in the state; or
1453 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
1454 (iv) an operating plan that:
1455 (A) complies with Section 26-61a-304;
1456 (B) includes operating procedures to comply with the operating requirements for a
1457 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
1458 law that is consistent with Section 26-61a-507; and
1459 (C) the department approves;
1460 (v) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
1461 department sets in accordance with Section 63J-1-504; and
1462 (vi) a description of any investigation or adverse action taken by any licensing
1463 jurisdiction, government agency, law enforcement agency, or court in any state for any
1464 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
1465 or businesses.
1466 (c) (i) A person may not locate a medical cannabis pharmacy:
1467 (A) within 200 feet of a community location; or
1468 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
1469 as primarily residential.
1470 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
1471 from the nearest entrance to the medical cannabis pharmacy establishment by following the
1472 shortest route of ordinary pedestrian travel to the property boundary of the community location
1473 or residential area.
1474 (iii) The department may grant a waiver to reduce the proximity requirements in
1475 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
1476 for the applicant to site the proposed medical cannabis pharmacy without the waiver.
1477 (iv) An applicant for a license under this section shall provide evidence of compliance
1478 with the proximity requirements described in Subsection (2)(c)(i).
1479 (d) The department may not issue a license to an eligible applicant that the department
1480 has selected to receive a license until the selected eligible applicant [~~obtains the performance~~
1481 ~~bond described in~~] complies with the bond or liquid cash requirement described in Subsection
1482 (2)(b)(iii).

1483 (e) If the department receives more than one application for a medical cannabis
1484 pharmacy within the same city or town, the department shall consult with the local land use
1485 authority before approving any of the applications pertaining to that city or town.

1486 (3) If the department selects an applicant for a medical cannabis pharmacy license
1487 under this section, the department shall:

1488 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1489 26-61a-109(5), the department sets in accordance with Section 63J-1-504;

1490 (b) notify the Department of Public Safety of the license approval and the names of
1491 each individual described in Subsection (2)(b)(ii); and

1492 (c) charge the licensee a fee in an amount that, subject to Subsection 26-61a-109(5),
1493 the department sets in accordance with Section 63J-1-504, for any change in location,
1494 ownership, or company structure.

1495 (4) The department may not issue a license to operate a medical cannabis pharmacy to
1496 an applicant if an individual described in Subsection (2)(b)(ii):

1497 (a) has been convicted under state or federal law of:

1498 (i) a felony; or

1499 (ii) after December 3, 2018, a misdemeanor for drug distribution;

1500 (b) is younger than 21 years old; or

1501 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

1502 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
1503 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
1504 preference to the applicant based on the applicant's status as a holder of the license.

1505 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
1506 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
1507 Production Establishments, the department:

1508 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
1509 and

1510 (ii) may give consideration to the applicant based on the applicant's status as a holder
1511 of a license to operate a cannabis cultivation facility if:

1512 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
1513 result from the applicant's vertical integration than from a more competitive marketplace; and

1514 (B) the department finds multiple other factors, in addition to the existing license, that
1515 support granting the new license.

1516 (6) (a) The department may revoke a license under this part:

1517 (i) if the medical cannabis pharmacy does not begin operations within one year after
1518 the day on which the department issues an announcement of the department's intent to award a
1519 license to the medical cannabis pharmacy;

1520 (ii) after the third the same violation of this chapter in any of the licensee's licensed
1521 cannabis production establishments or medical cannabis pharmacies;

1522 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
1523 active, under state or federal law of:

1524 (A) a felony; or

1525 (B) after December 3, 2018, a misdemeanor for drug distribution;

1526 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
1527 the time of application, or fails to supplement the information described in Subsection
1528 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
1529 application within 14 calendar days after the licensee receives notice of the investigation or
1530 adverse action;

1531 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
1532 the requirements of this chapter or the rules the department makes in accordance with this
1533 chapter; or

1534 (vi) if, after a change of ownership described in Subsection (11)(c), the department
1535 determines that the medical cannabis pharmacy no longer meets the minimum standards for
1536 licensure and operation of the medical cannabis pharmacy described in this chapter.

1537 (b) The department shall rescind a notice of an intent to issue a license under this part
1538 to an applicant or revoke a license issued under this part if the associated medical cannabis
1539 pharmacy does not begin operation on or before June 1, 2021.

1540 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
1541 if the municipality or county where the licensed medical cannabis pharmacy will be located
1542 requires a local land use permit, shall submit to the department a copy of the licensee's
1543 approved application for the land use permit within 120 days after the day on which the
1544 department issues the license.

1545 (b) If a licensee fails to submit to the department a copy the licensee's approved land
1546 use permit application in accordance with Subsection (7)(a), the department may revoke the
1547 licensee's license.

1548 (8) The department shall deposit the proceeds of a fee imposed by this section into the
1549 Qualified Patient Enterprise Fund.

1550 (9) The department shall begin accepting applications under this part on or before
1551 March 1, 2020.

1552 (10) (a) The department's authority to issue a license under this section is plenary and is
1553 not subject to review.

1554 (b) Notwithstanding Subsection (2), the decision of the department to award a license
1555 to an applicant is not subject to:

1556 (i) Title 63G, Chapter 6a, Part 16, Protests; or

1557 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

1558 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

1559 (b) A medical cannabis pharmacy shall report in writing to the department no later than
1560 10 business days before the date of any change of ownership of the medical cannabis
1561 pharmacy.

1562 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

1563 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
1564 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
1565 (2)(c);

1566 (ii) within 30 days of the submission of the application, the department shall:

1567 (A) conduct an application review; and

1568 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
1569 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
1570 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
1571 pharmacy described in this chapter; and

1572 (iii) if the department approves the license application, notwithstanding Subsection (3),
1573 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
1574 with Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application
1575 review.

1576 Section 14. Section 26-61a-302 is amended to read:

1577 **26-61a-302. Medical cannabis pharmacy owners and directors -- Criminal**
1578 **background checks.**

1579 (1) Each applicant to whom the department issues a notice of intent to award a license
1580 to operate as a medical cannabis pharmacy shall submit, before the department may award the
1581 license, from each individual who has a financial or voting interest of [2] 10% or greater in the
1582 applicant or who has the power to direct or cause the management or control of the applicant:

1583 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
1584 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1585 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

1586 Generation Identification System's Rap Back Service; and

1587 (c) consent to a fingerprint background check by:

1588 (i) the Bureau of Criminal Identification; and

1589 (ii) the Federal Bureau of Investigation.

1590 (2) The Bureau of Criminal Identification shall:

1591 (a) check the fingerprints the applicant submits under Subsection (1) against the
1592 applicable state, regional, and national criminal records databases, including the Federal
1593 Bureau of Investigation Next Generation Identification System;

1594 (b) report the results of the background check to the department;

1595 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
1596 for search by future submissions to the local and regional criminal records databases, including
1597 latent prints;

1598 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1599 Generation Identification System's Rap Back Service for search by future submissions to
1600 national criminal records databases, including the Next Generation Identification System and
1601 latent prints; and

1602 (e) establish a privacy risk mitigation strategy to ensure that the department only
1603 receives notifications for an individual with whom the department maintains an authorizing
1604 relationship.

1605 (3) The department shall:

1606 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an

1607 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1608 Bureau of Criminal Identification or another authorized agency provides under this section; and

1609 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
1610 Identification.

1611 Section 15. Section 26-61a-401 is amended to read:

1612 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**

1613 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1614 cannabis pharmacy unless the department registers the individual as a medical cannabis
1615 pharmacy agent.

1616 (2) A recommending medical provider may not act as a medical cannabis pharmacy
1617 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
1618 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1619 (3) (a) The department shall, within 15 days after the day on which the department
1620 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1621 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1622 registration card to the prospective agent if the medical cannabis pharmacy:

1623 (i) provides to the department:

1624 (A) the prospective agent's name and address;

1625 (B) the name and location of the licensed medical cannabis pharmacy where the
1626 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1627 (C) the submission required under Subsection (3)(b); and

1628 (ii) pays a fee to the department in an amount that, subject to Subsection

1629 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1630 (b) ~~[Except for an applicant reapplying for a medical cannabis pharmacy agent~~
1631 ~~registration card within less than one year after the expiration of the applicant's previous~~
1632 ~~medical cannabis pharmacy agent registration card, each] Each prospective agent described in
1633 Subsection (3)(a) shall:~~

1634 (i) submit to the department:

1635 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1636 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1637 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

1638 Generation Identification System's Rap Back Service; and
1639 (ii) consent to a fingerprint background check by:
1640 (A) the Bureau of Criminal Identification; and
1641 (B) the Federal Bureau of Investigation.
1642 (c) The Bureau of Criminal Identification shall:
1643 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
1644 the applicable state, regional, and national criminal records databases, including the Federal
1645 Bureau of Investigation Next Generation Identification System;
1646 (ii) report the results of the background check to the department;
1647 (iii) maintain a separate file of fingerprints that prospective agents submit under
1648 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1649 databases, including latent prints;
1650 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1651 Generation Identification System's Rap Back Service for search by future submissions to
1652 national criminal records databases, including the Next Generation Identification System and
1653 latent prints; and
1654 (v) establish a privacy risk mitigation strategy to ensure that the department only
1655 receives notifications for an individual with whom the department maintains an authorizing
1656 relationship.
1657 (d) The department shall:
1658 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1659 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
1660 Bureau of Criminal Identification or another authorized agency provides under this section; and
1661 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1662 Identification.
1663 (4) The department shall designate, on an individual's medical cannabis pharmacy
1664 agent registration card the name of the medical cannabis pharmacy where the individual is
1665 registered as an agent.
1666 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1667 the department develops in collaboration with the Division of Professional Licensing and the
1668 Board of Pharmacy, or a third-party certification standard that the department designates by

1669 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1670 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1671 (6) The department shall ensure that the certification standard described in Subsection
1672 (5) includes training in:

- 1673 (a) Utah medical cannabis law; and
- 1674 (b) medical cannabis pharmacy best practices.

1675 (7) The department may revoke the medical cannabis pharmacy agent registration card
1676 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1677 who:

- 1678 (a) violates the requirements of this chapter; or
- 1679 (b) is convicted under state or federal law of:
 - 1680 (i) a felony within the preceding 10 years; or
 - 1681 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1682 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1683 day on which the department issues or renews the card.

1684 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1685 agent:

- 1686 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1687 section;
- 1688 (ii) certifies to the department in a renewal application that the information in
1689 Subsection (3)(a) is accurate or updates the information; and

1690 (iii) pays to the department a renewal fee in an amount that:

1691 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1692 Section 63J-1-504; and

1693 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1694 comparison to the original application process.

1695 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
1696 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

- 1697 (i) complete at least one hour of continuing education regarding patient privacy and
1698 federal health information privacy laws that is offered by the department under Subsection
1699 (9)(b) or an accredited or approved continuing education provider that the department

1700 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
1701 practice; and

1702 (ii) make a continuing education report to the department in accordance with a process
1703 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1704 Administrative Rulemaking Act, and in collaboration with the Division of Professional
1705 Licensing and the Board of Pharmacy.

1706 (b) The department may, in consultation with the Division of Professional Licensing,
1707 develop the continuing education described in this Subsection (9).

1708 (c) The pharmacist-in-charge described in Section 26-61a-403 shall ensure that each
1709 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
1710 the state electronic verification system is in compliance with this Subsection (9).

1711 (10) A medical cannabis pharmacy shall:

1712 (a) maintain a list of employees that have a medical cannabis pharmacy agent
1713 registration card; and

1714 (b) provide the list to the department upon request.

1715 Section 16. Section 26-61a-403 is amended to read:

1716 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

1717 (1) (a) A medical cannabis pharmacy:

1718 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1719 Practice Act, as a pharmacy medical provider;

1720 (ii) may employ a physician who has the authority to write a prescription and is
1721 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1722 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1723 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1724 works onsite during all business hours; and

1725 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
1726 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
1727 cannabis pharmacy.

1728 (b) An individual may not serve as a pharmacy medical provider unless the department
1729 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1730 (2) (a) The department shall, within 15 days after the day on which the department

1731 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1732 medical provider, register and issue a pharmacy medical provider registration card to the
1733 prospective pharmacy medical provider if the medical cannabis pharmacy:

1734 (i) provides to the department:

1735 (A) the prospective pharmacy medical provider's name and address;

1736 (B) the name and location of the licensed medical cannabis pharmacy where the
1737 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1738 (C) a report detailing the completion of the continuing education requirement described
1739 in Subsection (3); and

1740 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1741 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1742 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
1743 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

1744 (ii) pays a fee to the department in an amount that, subject to Subsection
1745 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1746 (b) The department may not register a recommending medical provider [~~or a state
1747 central patient portal medical provider~~] as a pharmacy medical provider.

1748 (3) (a) A pharmacy medical provider shall complete the continuing education described
1749 in this Subsection (3) in the following amounts:

1750 (i) as a condition precedent to registration, four hours; and

1751 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1752 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1753 (i) complete continuing education:

1754 (A) regarding the topics described in Subsection (3)(d); and

1755 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1756 continuing education provider that the department recognizes as offering continuing education
1757 appropriate for the medical cannabis pharmacy practice; and

1758 (ii) make a continuing education report to the department in accordance with a process
1759 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1760 Administrative Rulemaking Act, and in collaboration with the Division of Professional
1761 Licensing and:

- 1762 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
1763 Pharmacy Practice Act, the Board of Pharmacy;
- 1764 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
1765 Practice Act, the Physicians Licensing Board; and
- 1766 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
1767 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
- 1768 (c) The department may, in consultation with the Division of Professional Licensing,
1769 develop the continuing education described in this Subsection (3).
- 1770 (d) The continuing education described in this Subsection (3) may discuss:
- 1771 (i) the provisions of this chapter;
- 1772 (ii) general information about medical cannabis under federal and state law;
- 1773 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1774 including risks and benefits;
- 1775 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1776 patient in pain management, risk management, potential addiction, and palliative care; or
- 1777 (v) best practices for recommending the form and dosage of a medical cannabis
1778 product based on the qualifying condition underlying a medical cannabis recommendation.
- 1779 (4) (a) A pharmacy medical provider registration card expires two years after the day
1780 on which the department issues or renews the card.
- 1781 (b) A pharmacy medical provider may renew the provider's registration card if the
1782 provider:
- 1783 (i) is eligible for a pharmacy medical provider registration card under this section;
- 1784 (ii) certifies to the department in a renewal application that the information in
1785 Subsection (2)(a) is accurate or updates the information;
- 1786 (iii) submits a report detailing the completion of the continuing education requirement
1787 described in Subsection (3); and
- 1788 (iv) pays to the department a renewal fee in an amount that:
- 1789 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1790 Section 63J-1-504; and
- 1791 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1792 comparison to the original application process.

1793 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
1794 person or another person dispenses medical cannabis.

1795 (b) Notwithstanding Subsection (5)(a) and subject to Section 26-61a-116, a registered
1796 pharmacy medical provider may advertise the following:

1797 (i) a green cross;

1798 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
1799 cannabis; or

1800 (iii) a scientific study regarding medical cannabis use.

1801 Section 17. Section 26-61a-501 is amended to read:

1802 **26-61a-501. Operating requirements -- General.**

1803 (1) (a) A medical cannabis pharmacy shall operate:

1804 (i) at the physical address provided to the department under Section 26-61a-301; and

1805 (ii) in accordance with the operating plan provided to the department under Section
1806 26-61a-301 and, if applicable, Section 26-61a-304.

1807 (b) A medical cannabis pharmacy shall notify the department before a change in the
1808 medical cannabis pharmacy's physical address or operating plan.

1809 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

1810 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

1811 (b) except as provided in Subsection (4):

1812 (i) possesses a valid:

1813 (A) medical cannabis pharmacy agent registration card;

1814 (B) pharmacy medical provider registration card; or

1815 (C) medical cannabis card;

1816 (ii) is an employee of the department or the Department of Agriculture and Food
1817 performing an inspection under Section 26-61a-504; or

1818 (iii) is another individual as the department provides.

1819 (3) A medical cannabis pharmacy may not employ an individual who is younger than
1820 21 years old.

1821 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
1822 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
1823 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors

1824 the individual at all times while the individual is at the medical cannabis pharmacy and
1825 maintains a record of the individual's access.

1826 (5) A medical cannabis pharmacy shall operate in a facility that has:

1827 (a) a single, secure public entrance;

1828 (b) a security system with a backup power source that:

1829 (i) detects and records entry into the medical cannabis pharmacy; and

1830 (ii) provides notice of an unauthorized entry to law enforcement when the medical
1831 cannabis pharmacy is closed; and

1832 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
1833 cannabis product.

1834 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
1835 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
1836 [26-61a-502\(2\)](#).

1837 (7) Except for an emergency situation described in Subsection [26-61a-201\(3\)\(c\)](#), a
1838 medical cannabis pharmacy may not allow any individual to consume cannabis on the property
1839 or premises of the medical cannabis pharmacy.

1840 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
1841 first indicating on the cannabis or cannabis product label the name of the medical cannabis
1842 pharmacy.

1843 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
1844 following information regarding each recommendation underlying a transaction:

1845 (i) the recommending medical provider's name, address, and telephone number;

1846 (ii) the patient's name and address;

1847 (iii) the date of issuance;

1848 (iv) directions of use and dosing guidelines or an indication that the recommending
1849 medical provider did not recommend specific directions of use or dosing guidelines; and

1850 (v) if the patient did not complete the transaction, the name of the medical cannabis
1851 cardholder who completed the transaction.

1852 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
1853 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
1854 container indicating the following minimum information:

- 1855 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1856 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1857 (C) the date of the sale;
- 1858 (D) the name of the patient;
- 1859 (E) the name of the recommending medical provider who recommended the medical
- 1860 cannabis treatment;

- 1861 (F) directions for use and cautionary statements, if any;
- 1862 (G) the amount dispensed and the cannabinoid content;
- 1863 (H) the suggested use date;
- 1864 (I) for unprocessed cannabis flower, the legal use termination date; and
- 1865 (J) any other requirements that the department determines, in consultation with the
- 1866 Division of Professional Licensing and the Board of Pharmacy.

1867 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
1868 following information under Subsection (9)(b)(i) if the information is already provided on the
1869 product label that a cannabis production establishment affixes:

- 1870 (A) a unique identification number;
- 1871 (B) directions for use and cautionary statements;
- 1872 (C) amount and cannabinoid content; and
- 1873 (D) a suggested use date.

1874 (iii) If the size of a medical cannabis container does not allow sufficient space to
1875 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
1876 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
1877 supplemental label attached to the container or an informational enclosure that accompanies the
1878 container:

- 1879 (A) the cannabinoid content;
- 1880 (B) the suggested use date; and
- 1881 (C) any other requirements that the department determines.

1882 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1883 cannabis pharmacy without a label described in Subsection (9)(b)(i).

1884 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

- 1885 (a) upon receipt of an order from a limited medical provider in accordance with

1886 Subsections 26-61a-106(1)(b) through (d):

1887 (i) for a written order or an electronic order under circumstances that the department
1888 determines, contact the limited medical provider or the limited medical provider's office to
1889 verify the validity of the recommendation; and

1890 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1891 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
1892 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
1893 or renewal, including any associated directions of use, dosing guidelines, or caregiver
1894 indication, in the state electronic verification system;

1895 (b) in processing an order for a holder of a conditional medical cannabis card described
1896 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the
1897 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1898 medical provider or the recommending medical provider's office to verify the validity of the
1899 recommendation before processing the cardholder's order;

1900 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1901 26-61a-502(4), ~~or (5),~~ verbally offer to a medical cannabis cardholder at the time of a
1902 purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling
1903 with the pharmacy medical provider; and

1904 (d) provide a telephone number or website by which the cardholder may contact a
1905 pharmacy medical provider for counseling.

1906 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1907 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
1908 medical cannabis device, or medical cannabis product in a locked box or other secure
1909 receptacle within the medical cannabis pharmacy.

1910 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1911 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1912 can access deposited medical cannabis or medical cannabis products.

1913 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
1914 medical cannabis products by:

1915 (i) rendering the deposited medical cannabis or medical cannabis products unusable
1916 and unrecognizable before transporting deposited medical cannabis or medical cannabis

1917 products from the medical cannabis pharmacy; and

1918 (ii) disposing of the deposited medical cannabis or medical cannabis products in
1919 accordance with:

1920 (A) federal and state law, rules, and regulations related to hazardous waste;

1921 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1922 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1923 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1924 3, Utah Administrative Rulemaking Act.

1925 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1926 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
1927 by a medical cannabis pharmacy.

1928 Section 18. Section **26-61a-502** is amended to read:

1929 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
1930 **Reporting -- Form of cannabis or cannabis product.**

1931 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
1932 chapter:

1933 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
1934 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
1935 under Section [4-41a-201](#);

1936 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
1937 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
1938 licensed under Section [4-41a-201](#);

1939 (iii) a medical cannabis device; or

1940 (iv) educational material related to the medical use of cannabis.

1941 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
1942 an individual with:

1943 (i) (A) a medical cannabis card;

1944 (B) a department registration described in Section [26-61a-201\(10\)](#); and

1945 (ii) a corresponding ~~[valid form of]~~ government issued photo identification.

1946 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
1947 cannabis-based drug that the United States Food and Drug Administration has approved.

1948 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
1949 medical cannabis device or medical cannabis product to an individual described in Subsection
1950 26-61a-201(2)(a)(i)(B) or to a minor described in Subsection 26-61a-201(2)(c) unless the
1951 individual or minor has the approval of the Compassionate Use Board in accordance with
1952 Subsection 26-61a-105(5)(b).

1953 (2) A medical cannabis pharmacy:

1954 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
1955 legal dosage limit of:

1956 (i) unprocessed cannabis that:

1957 (A) is in a medicinal dosage form; and

1958 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
1959 cannabidiol in the cannabis; and

1960 (ii) a cannabis product that is in a medicinal dosage form; and

1961 (b) may not dispense:

1962 (i) more medical cannabis than described in Subsection (2)(a); or

1963 (ii) to an individual whose recommending medical provider did not recommend
1964 directions of use and dosing guidelines, until the individual consults with the pharmacy
1965 medical provider in accordance with Subsection (4), any medical cannabis.

1966 (3) An individual with a medical cannabis card:

1967 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

1968 (i) unprocessed cannabis in a medicinal dosage form; and

1969 (ii) a cannabis product in a medicinal dosage form;

1970 (b) may not purchase:

1971 (i) more medical cannabis than described in Subsection (3)(a); or

1972 (ii) if the relevant recommending medical provider did not recommend directions of
1973 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
1974 accordance with Subsection (4), any medical cannabis; and

1975 (c) may not use a route of administration that the relevant recommending medical
1976 provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not
1977 recommended.

1978 (4) If a recommending medical provider recommends treatment with medical cannabis

1979 but wishes for the pharmacy medical provider to determine directions of use and dosing
1980 guidelines:

1981 (a) the recommending medical provider shall provide to the pharmacy medical
1982 provider, either through the state electronic verification system or through a medical cannabis
1983 pharmacy's recording of a recommendation under the order of a limited medical provider, any
1984 of the following information that the recommending medical provider feels would be needed to
1985 provide appropriate directions of use and dosing guidelines:

- 1986 (i) information regarding the qualifying condition underlying the recommendation;
- 1987 (ii) information regarding prior treatment attempts with medical cannabis; and
- 1988 (iii) portions of the patient's current medication list; and

1989 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
1990 pharmacy medical provider shall:

1991 (i) review pertinent medical records, including the recommending medical provider
1992 documentation described in Subsection (4)(a); and

1993 (ii) ~~[unless the pertinent medical records show directions of use and dosing guidelines~~
1994 ~~from a state central patient portal medical provider in accordance with Subsection (5),]~~ after
1995 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
1996 medical provider as needed, determine the best course of treatment through consultation with
1997 the cardholder regarding:

- 1998 (A) the patient's qualifying condition underlying the recommendation from the
- 1999 recommending medical provider;
- 2000 (B) indications for available treatments;
- 2001 (C) directions of use and dosing guidelines; and
- 2002 (D) potential adverse reactions.

2003 ~~[(5)(a) A state central patient portal medical provider may provide the consultation~~
2004 ~~and make the determination described in Subsection (4)(b) for a medical cannabis patient~~
2005 ~~cardholder regarding an electronic order that the state central patient portal facilitates.]~~

2006 ~~[(b) The state central patient portal medical provider described in Subsection (5)(a)~~
2007 ~~shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)~~
2008 ~~in the pertinent medical records.]~~

2009 ~~[(6)]~~ (5) (a) A medical cannabis pharmacy shall:

2010 (i) (A) access the state electronic verification system before dispensing cannabis or a
2011 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
2012 where applicable, the associated patient has met the maximum amount of medical cannabis
2013 described in Subsection (2); and

2014 (B) if the verification in Subsection [~~(6)(a)(i)~~] (5)(a)(i) indicates that the individual has
2015 met the maximum amount described in Subsection (2), decline the sale, and notify the
2016 recommending medical provider who made the underlying recommendation;

2017 (ii) submit a record to the state electronic verification system each time the medical
2018 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

2019 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
2020 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
2021 accordance with pharmacy practice standards;

2022 (iv) package any medical cannabis that is in a container that:

2023 (A) complies with Subsection [4-41a-602\(1\)\(b\)](#) or, if applicable, provisions related to a
2024 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
2025 Section [26-61a-102](#);

2026 (B) is tamper-resistant and tamper-evident; and

2027 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
2028 transporting the container in public; [~~and~~]

2029 (v) for a product that is a cube that is designed for ingestion through chewing or
2030 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
2031 of over-consumption[-]; and

2032 (vi) beginning January 1, 2024, for a cannabis product that is cannabis flower,
2033 vaporizer cartridges, or concentrate, provide the product's terpene profiles collected under
2034 Subsection [4-41a-602\(4\)](#) at or before the point of sale.

2035 (b) A medical cannabis cardholder transporting or possessing the container described
2036 in Subsection [~~(6)(a)(iv)~~] (5)(a)(iv) in public shall keep the container within the opaque bag or
2037 box that the medical cannabis pharmacist provides.

2038 [~~(7)~~] (6) (a) Except as provided in Subsection [~~(7)(b)~~] (6)(b), a medical cannabis
2039 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
2040 that is intentionally designed or constructed to resemble a cigarette.

2041 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
2042 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
2043 individual's respiratory system.

2044 [~~(8)~~] (7) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
2045 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

2046 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
2047 the medical use of cannabis.

2048 [~~(9)~~] (8) The department may impose a uniform fee on each medical cannabis
2049 transaction in a medical cannabis pharmacy in an amount that, subject to Subsection
2050 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2051 [~~(10)~~] (9) A medical cannabis pharmacy may purchase and store medical cannabis
2052 devices regardless of whether the seller has a cannabis-related license under this title or Title 4,
2053 Chapter 41a, Cannabis Production Establishments.

2054 Section 19. Section 26-61a-503 is amended to read:

2055 **26-61a-503. Partial filling.**

2056 (1) As used in this section, "partially fill" means to provide less than the full amount of
2057 cannabis or cannabis product that the recommending medical provider recommends, if the
2058 recommending medical provider recommended specific dosing [~~parameters~~] guidelines.

2059 (2) A pharmacy medical provider may partially fill a recommendation for a medical
2060 cannabis treatment at the request of the recommending medical provider who issued the
2061 medical cannabis treatment recommendation or the medical cannabis cardholder.

2062 (3) The department shall make rules, in collaboration with the Division of Professional
2063 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
2064 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and
2065 quantity remaining of a partially filled medical cannabis treatment recommendation.

2066 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
2067 medical cannabis cardholder, determine different dosing [~~parameters~~] guidelines, subject to the
2068 dosing limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled
2069 medical cannabis treatment recommendation if:

2070 (a) the pharmacy medical provider determined dosing [~~parameters~~] guidelines for the
2071 partial fill under Subsection 26-61a-502(4) [~~or (5)~~]; and

- 2072 (b) the medical cannabis cardholder reports that:
- 2073 (i) the partial fill did not substantially affect the qualifying condition underlying the
- 2074 medical cannabis recommendation; or
- 2075 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
- 2076 unable to successfully use the partial fill.
- 2077 Section 20. Section **26-61a-505** is amended to read:
- 2078 **26-61a-505. Advertising.**
- 2079 (1) Except as provided in this section, a person may not advertise in any medium
- 2080 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.
- 2081 (2) [~~Subject to Section 26-61a-116, a~~] A medical cannabis pharmacy may:
- 2082 (a) advertise an employment opportunity at the medical cannabis pharmacy;
- 2083 (b) notwithstanding any municipal or county ordinance prohibiting signage, use
- 2084 signage on the outside of the medical cannabis pharmacy that:
- 2085 (i) includes only:
- 2086 (A) in accordance with Subsection [~~26-61a-116(4)~~] 26-61a-116(3), the medical
- 2087 cannabis pharmacy's name, logo, and hours of operation; and
- 2088 (B) a green cross; and
- 2089 (ii) complies with local ordinances regulating signage;
- 2090 (c) advertise in any medium:
- 2091 (i) the pharmacy's name and logo;
- 2092 (ii) the location and hours of operation of the medical cannabis pharmacy;
- 2093 (iii) a service available at the medical cannabis pharmacy;
- 2094 (iv) personnel affiliated with the medical cannabis pharmacy;
- 2095 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
- 2096 cannabis pharmacy;
- 2097 (vi) best practices that the medical cannabis pharmacy upholds; and
- 2098 (vii) educational material related to the medical use of cannabis, as defined by the
- 2099 department;
- 2100 (d) hold an educational event for the public or medical providers in accordance with
- 2101 Subsection (3) and the rules described in Subsection (4); [~~and~~]
- 2102 (e) maintain on the medical cannabis pharmacy's website non-promotional information

2103 regarding the medical cannabis pharmacy's inventory[-]; or

2104 (f) engage in targeted marketing, as determined by the department through rule, for
2105 advertising a particular medical cannabis product, medical cannabis device, or medical
2106 cannabis brand.

2107 (3) A medical cannabis pharmacy may not include in an educational event described in
2108 Subsection (2)(d):

2109 (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis
2110 Production Establishments;

2111 (b) any gift items or merchandise other than educational materials, as those terms are
2112 defined by the department;

2113 (c) any marketing for a specific product from the medical cannabis pharmacy or any
2114 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
2115 Act, 21 U.S.C. Sec. 301, et seq.; or

2116 (d) a presenter other than the following:

2117 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

2118 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2119 Practice Act;

2120 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2121 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

2122 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2123 Assistant Act;

2124 (v) a medical practitioner, similar to the practitioners described in this Subsection
2125 (3)(d)(v), who is licensed in another state or country;

2126 (vi) a state employee; or

2127 (vii) if the presentation relates to a cannabis topic other than medical treatment or
2128 medical conditions, an individual whom the department approves based on the individual's
2129 background and credentials in the presented topic.

2130 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2131 Administrative Rulemaking Act, to define:

2132 (a) the educational material described in Subsection (2)(c)(vii); and

2133 (b) the elements of and restrictions on the educational event described in Subsection

2134 (3), including:

2135 (i) a minimum age of 21 years old for attendees; and

2136 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
2137 at least 18 years old.

2138 Section 21. Section **26-61a-506** is amended to read:

2139 **26-61a-506. Medical cannabis transportation.**

2140 (1) Only the following individuals may transport medical cannabis under this chapter:

2141 (a) a registered medical cannabis pharmacy agent;

2142 (b) a registered medical cannabis courier agent;

2143 (c) a registered pharmacy medical provider; or

2144 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment
2145 that the cardholder is authorized to transport.

2146 (2) Except for an individual with a valid medical cannabis card under this chapter who
2147 is transporting a medical cannabis treatment that the cardholder is authorized to transport, an
2148 individual described in Subsection (1) shall:

2149 (a) be currently employed by the medical cannabis pharmacy or the medical cannabis
2150 courier that is authorizing the individual to transport the medical cannabis; and

2151 (b) possess a transportation manifest that:

2152 ~~[(a)]~~ (i) includes a unique identifier that links the cannabis or cannabis product to a
2153 relevant inventory control system;

2154 ~~[(b)]~~ (ii) includes origin and destination information for the medical cannabis that the
2155 individual is transporting; and

2156 ~~[(c)]~~ (iii) identifies the departure and arrival times and locations of the individual
2157 transporting the medical cannabis.

2158 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
2159 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
2160 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2161 requirements for transporting medical cannabis to ensure that the medical cannabis remains
2162 safe for human consumption.

2163 (b) The transportation described in Subsection (1)(a) is limited to transportation
2164 between a medical cannabis pharmacy and:

2165 (i) another medical cannabis pharmacy; or
2166 (ii) for a medical cannabis shipment, a [~~medical cannabis cardholder's home~~] delivery
2167 address.

2168 (4) (a) It is unlawful for an individual described in Subsection (1) to make a transport
2169 described in this section with a manifest that does not meet the requirements of this section.

2170 (b) Except as provided in Subsection (4)(d), an individual who violates Subsection
2171 (4)(a) is:

2172 (i) guilty of an infraction; and

2173 (ii) subject to a \$100 fine.

2174 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
2175 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
2176 underlying the violation described in Subsection (4)(b).

2177 (d) If the individual described in Subsection (4)(a) is transporting more medical
2178 cannabis than the manifest identifies, except for a de minimis administrative error:

2179 (i) this chapter does not apply; and

2180 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
2181 Substances Act.

2182 (5) An individual other than an individual described in Subsection (1) may transport a
2183 medical cannabis device within the state if the transport does not also contain medical
2184 cannabis.

2185 Section 22. Section **26-61a-601** is amended to read:

2186 **26-61a-601. State central patient portal -- Department duties.**

2187 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
2188 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
2189 described in this section.

2190 (2) The state central patient portal shall:

2191 (a) authenticate each user to ensure the user is a valid medical cannabis patient
2192 cardholder;

2193 (b) allow a medical cannabis patient cardholder to:

2194 (i) obtain and download the cardholder's medical cannabis card;

2195 (ii) review the cardholder's medical cannabis purchase history; and

2196 (iii) manage the cardholder's personal information, including withdrawing consent for
2197 the use of the cardholder's information for a study described in Subsection 26-61a-201(12);

2198 (c) if the cardholder's recommending medical provider recommended the use of
2199 medical cannabis without providing directions of use and dosing guidelines and the cardholder
2200 has not yet received the counseling or consultation required in Subsection 26-61a-502(4):

2201 (i) alert the cardholder of the outstanding need for consultation; and

2202 (ii) provide the cardholder with access to the contact information for [~~each state central~~
2203 ~~patient portal medical provider and~~] each pharmacy medical provider;

2204 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
2205 order:

2206 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

2207 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
2208 person from the pharmacy;

2209 (e) prohibit a patient from completing an electronic medical cannabis order described
2210 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
2211 26-61a-502(2)(a) or (b);

2212 (f) provide educational information to medical cannabis patient cardholders regarding
2213 the state's medical cannabis laws and regulatory programs and other relevant information
2214 regarding medical cannabis; and

2215 (g) allow the patient to designate up to two caregivers who may receive a medical
2216 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
2217 accordance with this chapter.

2218 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
2219 Administrative Rulemaking Act, to implement the state central patient portal.

2220 Section 23. Section 26-61a-604 is amended to read:

2221 **26-61a-604. Home delivery of medical cannabis shipments -- Medical cannabis**
2222 **couriers -- License.**

2223 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2224 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
2225 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
2226 state central patient portal facilitates, including rules regarding the safe and controlled delivery

2227 of medical cannabis shipments.

2228 (2) A person may not operate as a medical cannabis courier without a license that the
2229 department issues under this section.

2230 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
2231 operate as a medical cannabis courier to an applicant who is eligible for a license under this
2232 section.

2233 (b) An applicant is eligible for a license under this section if the applicant submits to
2234 the department:

2235 (i) the name and address of an individual who:

2236 (A) has a financial or voting interest of [2] 10% or greater in the proposed medical
2237 cannabis [~~pharmacy~~] courier; or

2238 (B) has the power to direct or cause the management or control of a proposed cannabis
2239 production establishment;

2240 (ii) an operating plan that includes operating procedures to comply with the operating
2241 requirements for a medical cannabis courier described in this chapter; and

2242 (iii) an application fee in an amount that, subject to Subsection [26-61a-109\(5\)](#), the
2243 department sets in accordance with Section [63J-1-504](#).

2244 (4) If the department determines that an applicant is eligible for a license under this
2245 section, the department shall:

2246 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
2247 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

2248 (b) notify the Department of Public Safety of the license approval and the names of
2249 each individual described in Subsection (3)(b)(ii).

2250 (5) The department may not issue a license to operate as a medical cannabis courier to
2251 an applicant if an individual described in Subsection (3)(b)(ii):

2252 (a) has been convicted under state or federal law of:

2253 (i) a felony; or

2254 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

2255 (b) is younger than 21 years old.

2256 (6) The department may revoke a license under this part if:

2257 (a) the medical cannabis courier does not begin operations within one year after the day

2258 on which the department issues the initial license;

2259 (b) the medical cannabis courier makes the same violation of this chapter three times;

2260 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
2261 active, under state or federal law of:

2262 (i) a felony; or

2263 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

2264 (d) after a change of ownership described in Subsection (15)(c), the department
2265 determines that the medical cannabis courier no longer meets the minimum standards for
2266 licensure and operation of the medical cannabis courier described in this chapter.

2267 (7) The department shall deposit the proceeds of a fee imposed by this section in the
2268 Qualified Patient Enterprise Fund.

2269 (8) The department shall begin accepting applications under this section on or before
2270 July 1, 2020.

2271 (9) The department's authority to issue a license under this section is plenary and is not
2272 subject to review.

2273 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
2274 of application, from each individual who has a financial or voting interest of [~~2~~] 10% or greater
2275 in the applicant or who has the power to direct or cause the management or control of the
2276 applicant:

2277 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

2278 (b) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
2279 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
2280 Generation Identification System's Rap Back Service; and

2281 (c) consent to a fingerprint background check by:

2282 (i) the Bureau of Criminal Identification; and

2283 (ii) the Federal Bureau of Investigation.

2284 (11) The Bureau of Criminal Identification shall:

2285 (a) check the fingerprints the applicant submits under Subsection (10) against the
2286 applicable state, regional, and national criminal records databases, including the Federal
2287 Bureau of Investigation Next Generation Identification System;

2288 (b) report the results of the background check to the department;

2289 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
2290 for search by future submissions to the local and regional criminal records databases, including
2291 latent prints;

2292 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2293 Generation Identification System's Rap Back Service for search by future submissions to
2294 national criminal records databases, including the Next Generation Identification System and
2295 latent prints; and

2296 (e) establish a privacy risk mitigation strategy to ensure that the department only
2297 receives notifications for an individual with whom the department maintains an authorizing
2298 relationship.

2299 (12) The department shall:

2300 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
2301 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2302 Bureau of Criminal Identification or another authorized agency provides under this section; and

2303 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
2304 Identification.

2305 (13) The department shall renew a license under this section every year if, at the time
2306 of renewal:

2307 (a) the licensee meets the requirements of this section; and

2308 (b) the licensee pays the department a license renewal fee in an amount that, subject to
2309 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2310 (14) A person applying for a medical cannabis courier license shall submit to the
2311 department a proposed operating plan that complies with this section and that includes:

2312 (a) a description of the physical characteristics of any proposed facilities, including a
2313 floor plan and an architectural elevation, and delivery vehicles;

2314 (b) a description of the credentials and experience of each officer, director, or owner of
2315 the proposed medical cannabis courier;

2316 (c) the medical cannabis courier's employee training standards;

2317 (d) a security plan; and

2318 (e) storage and delivery protocols, both short and long term, to ensure that medical
2319 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the

2320 integrity of the cannabis.

2321 (15) (a) A medical cannabis courier license is not transferrable or assignable.

2322 (b) A medical cannabis courier shall report in writing to the department no later than
2323 10 business days before the date of any change of ownership of the medical cannabis courier.

2324 (c) If the ownership of a medical cannabis courier changes by 50% or more:

2325 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
2326 courier shall submit a new application described in Subsection (3)(b);

2327 (ii) within 30 days of the submission of the application, the department shall:

2328 (A) conduct an application review; and

2329 (B) award a license to the medical cannabis courier for the remainder of the term of the
2330 medical cannabis courier's license before the ownership change if the medical cannabis courier
2331 meets the minimum standards for licensure and operation of the medical cannabis courier
2332 described in this chapter; and

2333 (iii) if the department approves the license application, notwithstanding Subsection (4),
2334 the medical cannabis courier shall pay a license fee that the department sets in accordance with
2335 Section 63J-1-504 in an amount that covers the board's cost of conducting the application
2336 review.

2337 (16) (a) Except as provided in Subsection ~~[(15)(b)]~~ (16)(b), a person may not advertise
2338 regarding the transportation of medical cannabis.

2339 (b) Notwithstanding Subsection (15)(a) and subject to Section 26-61a-116, a licensed
2340 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
2341 advertise:

2342 (i) a green cross;

2343 (ii) the pharmacy's or courier's name and logo; and

2344 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

2345 Section 24. Section 26-61a-606 is amended to read:

2346 **26-61a-606. Medical cannabis courier agent -- Background check -- Registration**
2347 **card -- Rebuttable presumption.**

2348 (1) An individual may not serve as a medical cannabis courier agent unless ~~[(a) the~~
2349 ~~individual is an employee of a licensed medical cannabis courier; and (b)]~~ the department
2350 registers the individual as a medical cannabis courier agent.

2351 (2) (a) The department shall, within 15 days after the day on which the department
2352 receives a complete application from a medical cannabis courier on behalf of a medical
2353 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
2354 the prospective agent if the medical cannabis courier:

2355 (i) provides to the department:

2356 (A) the prospective agent's name and address;

2357 (B) the name and address of the medical cannabis courier;

2358 (C) the name and address of each home delivery medical cannabis pharmacy with

2359 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

2360 (D) the submission required under Subsection (2)(b);

2361 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
2362 law of:

2363 (A) a felony; or

2364 (B) after December 3, 2018, a misdemeanor for drug distribution; and

2365 (iii) pays the department a fee in an amount that, subject to Subsection 26-61a-109(5),
2366 the department sets in accordance with Section 63J-1-504.

2367 (b) [~~Except for an applicant reapplying for a medical cannabis courier agent~~
2368 ~~registration card within less than one year after the expiration of the applicant's previous~~
2369 ~~medical cannabis courier agent registration card, each] Each prospective agent described in
2370 Subsection (2)(a) shall:~~

2371 (i) submit to the department:

2372 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

2373 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

2374 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

2375 Generation Identification System's Rap Back Service; and

2376 (ii) consent to a fingerprint background check by:

2377 (A) the Bureau of Criminal Identification; and

2378 (B) the Federal Bureau of Investigation.

2379 (c) The Bureau of Criminal Identification shall:

2380 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against

2381 the applicable state, regional, and national criminal records databases, including the Federal

2382 Bureau of Investigation Next Generation Identification System;

2383 (ii) report the results of the background check to the department;

2384 (iii) maintain a separate file of fingerprints that prospective agents submit under

2385 Subsection (2)(b) for search by future submissions to the local and regional criminal records

2386 databases, including latent prints;

2387 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

2388 Generation Identification System's Rap Back Service for search by future submissions to

2389 national criminal records databases, including the Next Generation Identification System and

2390 latent prints; and

2391 (v) establish a privacy risk mitigation strategy to ensure that the department only

2392 receives notifications for an individual with whom the department maintains an authorizing

2393 relationship.

2394 (d) The department shall:

2395 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an

2396 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the

2397 Bureau of Criminal Identification or another authorized agency provides under this section; and

2398 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal

2399 Identification.

2400 (3) The department shall designate on an individual's medical cannabis courier agent

2401 registration card the name of the medical cannabis pharmacy where the individual is registered

2402 as an agent and each home delivery medical cannabis courier for which the medical cannabis

2403 courier delivers medical cannabis shipments.

2404 (4) (a) A medical cannabis courier agent shall comply with a certification standard that

2405 the department develops, in collaboration with the Division of Professional Licensing and the

2406 Board of Pharmacy, or a third-party certification standard that the department designates by

2407 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy

2408 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2409 (b) The department shall ensure that the certification standard described in Subsection

2410 (4)(a) includes training in:

2411 (i) Utah medical cannabis law;

2412 (ii) the medical cannabis shipment process; and

- 2413 (iii) medical cannabis courier agent best practices.
- 2414 (5) (a) A medical cannabis courier agent registration card expires two years after the
2415 day on which the department issues or renews the card.
- 2416 (b) A medical cannabis courier agent may renew the agent's registration card if the
2417 agent:
- 2418 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 2419 (ii) certifies to the department in a renewal application that the information in
2420 Subsection (2)(a) is accurate or updates the information; and
- 2421 (iii) pays to the department a renewal fee in an amount that:
- 2422 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
2423 Section 63J-1-504; and
- 2424 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
2425 comparison to the original application process.
- 2426 (6) The department may revoke or refuse to issue or renew the medical cannabis
2427 courier agent registration card of an individual who:
- 2428 (a) violates the requirements of this chapter; or
- 2429 (b) is convicted under state or federal law of:
- 2430 (i) a felony within the preceding 10 years; or
- 2431 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 2432 (7) A medical cannabis courier agent whom the department has registered under this
2433 section shall carry the agent's medical cannabis courier agent registration card with the agent at
2434 all times when:
- 2435 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
2436 pharmacy, or a ~~[medical cannabis cardholder's home]~~ delivery address; and
- 2437 (b) the agent is handling a medical cannabis shipment.
- 2438 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
2439 the shipment in compliance with Subsection (7):
- 2440 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 2441 (b) there is no probable cause, based solely on the agent's possession of the medical
2442 cannabis shipment that the agent is engaging in illegal activity.
- 2443 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:

2444 (i) guilty of an infraction; and

2445 (ii) subject to a \$100 fine.

2446 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
2447 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
2448 underlying the violation described in Subsection (9)(a).

2449 (10) A medical cannabis courier shall:

2450 (a) maintain a list of employees who have a medical cannabis courier agent card; and

2451 (b) provide the list to the department upon request.

2452 Section 25. Section **26-61a-607** is amended to read:

2453 **26-61a-607. Home delivery of medical cannabis shipments.**

2454 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
2455 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
2456 medical cannabis pharmacy unless:

2457 (a) the individual receiving the shipment presents:

2458 (i) a ~~[valid form of photo identification]~~ government issued photo identification; and

2459 (ii) (A) a valid medical cannabis card under the same name that appears on the ~~[valid~~
2460 ~~form of photo identification]~~ government issued photo identification; or

2461 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
2462 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and

2463 (b) the delivery occurs at:

2464 (i) the ~~[medical cannabis cardholder's home]~~ delivery address that is on file in the state
2465 electronic verification system; or

2466 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
2467 Subsection 26-61a-202(1)(b).

2468 (2) (a) A medical cannabis pharmacy agent may not deliver a medical cannabis
2469 shipment on behalf of a home delivery medical cannabis pharmacy unless the medical cannabis
2470 pharmacy agent is currently employed by the home delivery medical cannabis pharmacy.

2471 (b) A medical cannabis courier agent may not deliver a medical cannabis shipment on
2472 behalf of a medical cannabis courier unless the medical cannabis courier agent is currently
2473 employed by the medical cannabis courier.

2474 (c) Before a medical cannabis pharmacy agent or a medical cannabis courier agent

2475 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

2476 ~~[(a)]~~ (i) verify the shipment information using the state electronic verification system;

2477 ~~[(b)]~~ (ii) ensure that the individual satisfies the identification requirements in

2478 Subsection (1);

2479 ~~[(c)]~~ (iii) verify that payment is complete; and

2480 ~~[(d)]~~ (iv) record the completion of the shipment transaction in a manner such that the
2481 delivery of the shipment will later be recorded within a reasonable period in the electronic
2482 verification system.

2483 (3) The medical cannabis courier shall:

2484 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
2485 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
2486 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
2487 and

2488 (ii) ensure that only a medical cannabis courier agent is able to access the medical
2489 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

2490 (b) return any undelivered medical cannabis shipment to the home delivery medical
2491 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
2492 possessed the shipment for 10 business days; and

2493 (c) return any medical cannabis shipment to the home delivery medical cannabis
2494 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
2495 accept the shipment.

2496 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
2497 agent returns an undelivered medical cannabis shipment that remains unopened, the home
2498 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

2499 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
2500 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
2501 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
2502 shipment by:

2503 (i) rendering the shipment unusable and unrecognizable before transporting the
2504 shipment from the home delivery medical cannabis pharmacy; and

2505 (ii) disposing of the shipment in accordance with:

- 2506 (A) federal and state laws, rules, and regulations related to hazardous waste;
- 2507 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 2508 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 2509 (D) other regulations that the department makes in accordance with Title 63G, Chapter
- 2510 3, Utah Administrative Rulemaking Act.

2511 Section 26. Section **58-17b-502** is amended to read:

2512 **58-17b-502. Unprofessional conduct.**

2513 (1) "Unprofessional conduct" includes:

2514 (a) willfully deceiving or attempting to deceive the division, the board, or their agents

2515 as to any relevant matter regarding compliance under this chapter;

2516 (b) except as provided in Subsection (2):

2517 (i) paying or offering rebates to practitioners or any other health care providers, or

2518 receiving or soliciting rebates from practitioners or any other health care provider; or

2519 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,

2520 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care

2521 provider, for the purpose of obtaining referrals;

2522 (c) misbranding or adulteration of any drug or device or the sale, distribution, or

2523 dispensing of any outdated, misbranded, or adulterated drug or device;

2524 (d) engaging in the sale or purchase of drugs or devices that are samples or packages

2525 bearing the inscription "sample" or "not for resale" or similar words or phrases;

2526 (e) except as provided in Section [58-17b-503](#), accepting back and redistributing any

2527 unused drug, or a part of it, after it has left the premises of a pharmacy;

2528 (f) an act in violation of this chapter committed by a person for any form of

2529 compensation if the act is incidental to the person's professional activities, including the

2530 activities of a pharmacist, pharmacy intern, or pharmacy technician;

2531 (g) violating:

2532 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

2533 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

2534 (iii) rules or regulations adopted under either act;

2535 (h) requiring or permitting pharmacy interns or technicians to engage in activities

2536 outside the scope of practice for their respective license classifications, as defined in this

2537 chapter and division rules made in collaboration with the board, or beyond their scope of
2538 training and ability;

2539 (i) administering:

2540 (i) without appropriate training, as defined by rule;

2541 (ii) without a physician's order, when one is required by law; and

2542 (iii) in conflict with a practitioner's written guidelines or written protocol for
2543 administering;

2544 (j) disclosing confidential patient information in violation of the provisions of the
2545 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
2546 1936, as amended, or other applicable law;

2547 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
2548 the pharmacist-in-charge;

2549 (l) failing to report to the division any adverse action taken by another licensing
2550 jurisdiction, government agency, law enforcement agency, or court for conduct that in
2551 substance would be considered unprofessional conduct under this section;

2552 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
2553 form which is regularly and commonly available from a manufacturer in quantities and
2554 strengths prescribed by a practitioner;

2555 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
2556 when dispensing a self-administered hormonal contraceptive under a standing order;

2557 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2558 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:

2559 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2560 or an individual under the direction or control of an individual licensed under this chapter; or

2561 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).

2562 (2) Subsection (1)(b) does not apply to:

2563 (a) giving or receiving a price discount based on purchase volume;

2564 (b) passing along a pharmaceutical manufacturer's rebate; or

2565 (c) providing compensation for services to a veterinarian.

2566 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2567 61a, Utah Medical Cannabis Act[~~-(a)~~]₂ when registered as a pharmacy medical provider, as

2568 that term is defined in Section 26-61a-102, providing pharmacy medical provider services in a
2569 medical cannabis pharmacy[~~;~~or].

2570 [~~(b) when acting as a state central patient portal medical provider, as that term is~~
2571 ~~defined in Section 26-61a-102, providing state central patient portal medical provider services.]~~

2572 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
2573 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2574 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

2575 Section 27. Section 58-67-502 is amended to read:

2576 **58-67-502. Unprofessional conduct.**

2577 (1) "Unprofessional conduct" includes, in addition to the definition in Section
2578 58-1-501:

2579 (a) using or employing the services of any individual to assist a licensee in any manner
2580 not in accordance with the generally recognized practices, standards, or ethics of the
2581 profession, state law, or division rule;

2582 (b) making a material misrepresentation regarding the qualifications for licensure under
2583 Section 58-67-302.7 or Section 58-67-302.8;

2584 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2585 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2586 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2587 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

2588 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2589 or an individual under the direction or control of an individual licensed under this chapter; or

2590 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

2591 (2) "Unprofessional conduct" does not include:

2592 (a) in compliance with Section 58-85-103:

2593 (i) obtaining an investigational drug or investigational device;

2594 (ii) administering the investigational drug to an eligible patient; or

2595 (iii) treating an eligible patient with the investigational drug or investigational device;

2596 or

2597 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2598 (i) when registered as a qualified medical provider or acting as a limited medical

2599 provider, as those terms are defined in Section 26-61a-102, recommending the use of medical
2600 cannabis; or

2601 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
2602 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy[;
2603 ~~or~~].

2604 [~~(iii) when registered as a state central patient portal medical provider, as that term is
2605 defined in Section 26-61a-102, providing state central patient portal medical provider services.]~~

2606 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
2607 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2608 unprofessional conduct for a physician described in Subsection (2)(b).

2609 Section 28. Section 58-68-502 is amended to read:

2610 **58-68-502. Unprofessional conduct.**

2611 (1) "Unprofessional conduct" includes, in addition to the definition in Section
2612 58-1-501:

2613 (a) using or employing the services of any individual to assist a licensee in any manner
2614 not in accordance with the generally recognized practices, standards, or ethics of the
2615 profession, state law, or division rule;

2616 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2617 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2618 (c) making a material misrepresentation regarding the qualifications for licensure under
2619 Section 58-68-302.5;

2620 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2621 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

2622 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2623 or an individual under the direction or control of an individual licensed under this chapter; or

2624 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

2625 (2) "Unprofessional conduct" does not include:

2626 (a) in compliance with Section 58-85-103:

2627 (i) obtaining an investigational drug or investigational device;

2628 (ii) administering the investigational drug to an eligible patient; or

2629 (iii) treating an eligible patient with the investigational drug or investigational device;

2630 or

2631 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2632 (i) when registered as a qualified medical provider or acting as a limited medical
2633 provider, as those terms are defined in Section 26-61a-102, recommending the use of medical
2634 cannabis; or

2635 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
2636 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy[;
2637 ~~or~~].

2638 [~~(iii) when registered as a state central patient portal medical provider, as that term is
2639 defined in Section 26-61a-102, providing state central patient portal medical provider services.]~~

2640 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
2641 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2642 unprofessional conduct for a physician described in Subsection (2)(b).

2643 Section 29. Section 78A-2-231 is amended to read:

2644 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

2645 (1) As used in this section:

2646 (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2647 (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2648 (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2649 (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2650 (e) "Medical cannabis card" means the same as that term is defined in Section
2651 26-61a-102.

2652 (f) "Medical cannabis device" means the same as that term is defined in Section
2653 26-61a-102.

2654 (g) "Recommending medical provider" means the same as that term is defined in
2655 Section 26-61a-102.

2656 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
2657 makes a finding, determination, or otherwise considers an individual's medical cannabis card,
2658 medical cannabis recommendation from a recommending medical provider, or possession or
2659 use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel,
2660 jury, or court commissioner may not consider or treat the individual's card, recommendation,

2661 possession, or use any differently than the lawful possession or use of any prescribed controlled
2662 substance if:

2663 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
2664 Establishments;

2665 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

2666 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
2667 Medical Cannabis Act; and

2668 (ii) the individual reasonably complies with the directions of use and dosing guidelines
2669 determined by the individual's recommending medical provider or through a consultation
2670 described in Subsection 26-61a-502(4) [~~or (5)~~].

2671 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in
2672 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
2673 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
2674 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
2675 device, either directly or through a general prohibition on violating federal law, without an
2676 exception related to medical cannabis use, if the individual's use or possession complies with:

2677 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2678 (b) Subsection 58-37-3.7(2) or (3).

2679 Section 30. Section 80-3-110 is amended to read:

2680 **80-3-110. Consideration of cannabis during proceedings -- Drug testing.**

2681 (1) As used in this section:

2682 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

2683 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2684 (c) (i) "Chronic" means repeated or patterned.

2685 (ii) "Chronic" does not mean an isolated incident.

2686 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2687 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2688 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2689 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
2690 26-61a-102.

2691 (h) "Recommending medical provider" means the same as that term is defined in

2692 Section 26-61a-102.

2693 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,
2694 determination, or otherwise considers an individual's medical cannabis card, medical cannabis
2695 recommendation from a recommending medical provider, or possession or use of medical
2696 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider
2697 or treat the individual's medical cannabis card, recommendation, possession, or use any
2698 differently than the lawful possession or use of any prescribed controlled substance if:

2699 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
2700 Production Establishments;

2701 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

2702 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
2703 Medical Cannabis Act; and

2704 (ii) the individual reasonably complies with the directions of use and dosing guidelines
2705 determined by the individual's recommending medical provider or through a consultation
2706 described in Subsection 26-61a-502(4) [~~or (5)~~].

2707 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or
2708 a cannabis product is not abuse or neglect of the child unless there is evidence showing that:

2709 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
2710 because of cannabis being introduced to the child's body in another manner; or

2711 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
2712 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

2713 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
2714 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or guardian's
2715 use of medical cannabis or a cannabis product is not contrary to the best interests of the child
2716 if:

2717 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
2718 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
2719 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
2720 from the directions of use and dosing guidelines determined by the parent's or guardian's
2721 recommending medical provider or through a consultation described in Subsection
2722 26-61a-502(4) or (5); or

2723 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
2724 Subsection 58-37-3.7(2) or (3).

2725 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and
2726 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
2727 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a
2728 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
2729 that would separately constitute abuse or neglect of the child.

2730 (6) If an individual, who is party to a proceeding under this chapter, is ordered by the
2731 juvenile court to submit to drug testing, or is referred by the division or a guardian ad litem for
2732 drug testing, the individual may not be ordered or referred for drug testing by means of a hair
2733 or fingernail test that is administered to detect the presence of drugs.

2734 Section 31. Section 80-4-109 is amended to read:

2735 **80-4-109. Consideration of cannabis during proceedings.**

2736 (1) As used in this section:

2737 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

2738 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2739 (c) (i) "Chronic" means repeated or patterned.

2740 (ii) "Chronic" does not mean an isolated incident.

2741 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2742 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2743 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2744 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
2745 26-61a-102.

2746 (h) "Qualified medical provider" means the same as that term is defined in Section
2747 26-61a-102.

2748 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
2749 determination, or otherwise considers an individual's possession or use of medical cannabis, a
2750 cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the
2751 individual's possession or use any differently than the lawful possession or use of any
2752 prescribed controlled substance if:

2753 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis

2754 Production Establishments;

2755 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

2756 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah

2757 Medical Cannabis Act; and

2758 (ii) the individual reasonably complies with the directions of use and dosing guidelines

2759 determined by the individual's qualified medical provider or through a consultation described

2760 in Subsection 26-61a-502(4) [~~or (5)~~].

2761 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a

2762 cannabis product is not abuse or neglect of a child unless there is evidence showing that:

2763 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or

2764 because of cannabis being introduced to the child's body in another manner; or

2765 (b) the child is at an unreasonable risk of harm because of chronic inhalation or

2766 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

2767 (4) Unless there is harm or an unreasonable risk of harm to the child as described in

2768 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not

2769 contrary to the best interests of a child if:

2770 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's

2771 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there

2772 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates

2773 from the directions of use and dosing guidelines determined by the parent's or guardian's

2774 qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or

2775 (5); or

2776 (b) before January 1, 2021, the parent's or guardian's possession or use complies with

2777 Subsection 58-37-3.7(2) or (3).

2778 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and

2779 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis

2780 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a

2781 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior

2782 that would separately constitute abuse or neglect of the child.

2783 Section 32. **Repealer.**

2784 This bill repeals:

2785

Section [26-61a-602](#), State central patient portal medical provider.