

88 **Utah Code Sections Affected By Coordination Clause:**

89 **4-41a-102**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327

90 **26B-4-201**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
91 and amended by Laws of Utah 2023, Chapter 307



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

94 *The following section is affected by a coordination clause at the end of this bill.*

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

96 **4-41a-102. Definitions.**

97 As used in this chapter:

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

- 100 (a) pesticides;
- 101 (b) heavy metals;
- 102 (c) solvents;
- 103 (d) microbial life;
- 104 (e) artificially derived cannabinoid;
- 105 (f) toxins; or
- 106 (g) foreign matter.

107 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
108 Section 26B-1-435.

109 (3) (a) "Anticompetitive business practice" means any practice that reduces the amount
110 of competition in the medical cannabis market that would be considered ~~H~~→ :

110a (i) ~~H~~ ← an attempt to
111 monopolize, as defined in Section 76-10-3103 ~~H~~→ [;] ; or

111a (ii) **an illegal anticompetitive activity under Section 76-10-3104.** ~~H~~ ←

112 (b) "Anticompetitive business practice" may include:

113 (i) agreements that may be considered unreasonable when competitors interact to the
114 extent that they are:

- 115 (A) no longer acting independently; or
- 116 (B) when collaborating are able to wield market power together;

117 (ii) monopolizing or attempting to monopolize trade by:

- 118 (A) acting to maintain or acquire a dominant position in the market; or

1917 at least 21 years old may access the event;

1918 (c) other marketing material that is ~~§~~→ physically or ←~~§~~ digitally displayed in the office
 1918a of the medical

1919 clinic or office that employs a qualified medical provider; or

1920 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that
 1921 employs a qualified medical provider shares with an individual who is at least 21 years old.

1922 [~~56~~] (57) "Tetrahydrocannabinol" or "THC" means a substance derived from
 1923 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1924 [~~57~~] (58) "THC analog" means the same as that term is defined in Section 4-41-102.

1925 Section 18. Section **26B-4-202** is amended to read:

1926 **26B-4-202. Electronic verification system.**

1927 (1) The Department of Agriculture and Food, the department, the Department of Public
 1928 Safety, and the Division of Technology Services shall:

1929 (a) enter into a memorandum of understanding in order to determine the function and
 1930 operation of the state electronic verification system in accordance with Subsection (2);

1931 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 1932 Procurement Code, to develop a request for proposals for a third-party provider to develop and
 1933 maintain the state electronic verification system in coordination with the Division of
 1934 Technology Services; and

1935 (c) select a third-party provider who:

1936 (i) meets the requirements contained in the request for proposals issued under
 1937 Subsection (1)(b); and

1938 (ii) may not have any commercial or ownership interest in a cannabis production
 1939 establishment or a medical cannabis pharmacy.

1940 (2) The Department of Agriculture and Food, the department, the Department of Public
 1941 Safety, and the Division of Technology Services shall ensure that the state electronic
 1942 verification system described in Subsection (1):

1943 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
 1944 medical cannabis guardian card, provided that the card may not become active until:

1945 (i) the relevant qualified medical provider completes the associated medical cannabis
 1946 recommendation; or

1947 (ii) for a medical cannabis card related to a limited medical provider's

2258 (ii) share data collected under this Subsection (10) with the state auditor for use in the
2259 health care price transparency tool described in Section 67-3-11.

2260 Section 20. Section 26B-4-207 is amended to read:

2261 **26B-4-207. Nondiscrimination for medical care or government employment --**
2262 **Notice to prospective and current public employees -- No effect on private employers.**

2263 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
2264 use, in accordance with this part, of cannabis in a medicinal dosage form or a cannabis product
2265 in a medicinal dosage form:

2266 (a) is considered the equivalent of the authorized use of any other medication used at
2267 the discretion of a physician; and

2268 (b) does not constitute the use of an illicit substance or otherwise disqualify an
2269 individual from needed medical care.

2270 (2) ~~§→ [For a violation of Section 34A-5-114, the Legislature may withhold future state~~
2271 ~~appropriations from a state agency or political subdivision] Before taking an adverse employment~~
2271a1 ~~action as defined in Section 34A-5-114 against an employee~~ ~~→ [who is known to be a]~~ ~~solely~~
2271a2 ~~because the employee is a ←~~ ~~medical~~
2271b1 ~~cannabis cardholder~~ ~~→ or holds a prescription for another controlled substance ←~~ ~~, a~~
2271b2 ~~state employer or a political subdivision employer shall:~~

2271c ~~(a) consult with legal counsel, if one is employed or contracted with to provide services to the~~
2271d ~~state employer or political subdivision; and~~

2271e ~~(b) obtain approval from:~~

2271f1 ~~(i) for a political subdivision, the mayor~~ ~~→ [and the city manager or chief administrative officer]~~
2271f2 ~~or county executive ←~~ ~~;~~

2271g ~~or~~

2271h ~~(ii) for a state employer, the state employer's~~ ~~→ [executive director] agency head or the~~
2271i ~~agency head's designee ←~~ ~~←~~ ~~.~~

2272 [~~(2)(a) Notwithstanding any other provision of law and except as provided in~~
2273 ~~Subsection (2)(b), the state or any political subdivision shall treat:]~~

2274 [~~(i) an employee's use of medical cannabis in accordance with this part or Section~~
2275 ~~58-37-3.7 in the same way the state or political subdivision treats employee use of any~~
2276 ~~prescribed controlled substance; and]~~

2277 [~~(ii) an employee's status as a medical cannabis cardholder or an employee's medical~~
2278 ~~cannabis recommendation from a qualified medical provider or limited provider in the same~~
2279 ~~way the state or political subdivision treats an employee's prescriptions for any prescribed~~
2280 ~~controlled substance.]~~

2281 [~~(b) A state or political subdivision employee who has a valid medical cannabis card is~~
2282 ~~not subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a drug~~Ⓢ

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2283 ~~test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired~~