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## MEDICAL CANNABIS AMENDMENTS

## 2024 GENERAL SESSION STATE OF UTAH

**Chief Sponsor: Luz Escamilla** 

House Sponsor: Raymond P. Ward

2 **LONG** 

## LONG TITLE

- 4 General Description:
- 5 This bill modifies provisions related to medical cannabis.
- **6 Highlighted Provisions:**
- 7 This bill:
- 8 defines terms;
- 9 allows the delivery of medical cannabis to more address types;
- 10 allows a medical cannabis pharmacy to engage in additional targeted marketing;
- 11 allows a medical cannabis processor to engage in targeted marketing subject to
- 12 administrative rule:

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- allows a medical clinic to engage in targeted marketing;
- prohibits anticompetitive behavior;
- 15 modifies provisions related to cannabis production facility applications;
- 16 modifies the duties and membership of the Medical Cannabis Production and Pharmacy
- 17 Licensing Board (licensing board);
- prohibits the use of certain terms on medical cannabis products;
- 19 modifies reporting requirements;
- changes requirements related to felonies and obtaining certain cannabis business
- 21 licenses;
- requires pharmacy licenses to be renewed and awarded under the licensing board;
- ≥ allows additional medical providers to provide recommendations to the Compassionate
- 24 Use Board;
- 25 modifies provisions related to public employee protections for medical cannabis and
- 26 other prescription use;
- 27 allows a public employee to file a complaint with the Labor Commission regarding

- 28 discriminatory practices related to medical cannabis use;
- creates a penalty for a health care provider who provides medical cannabis
- 30 recommendations for an entity that is violating advertisement restrictions; and
- structure Working Group.
- 32 Money Appropriated in this Bill:
- 33 None
- 34 Other Special Clauses:
- This bill provides a coordination clause.
- **36 Utah Code Sections Affected:**
- 37 AMENDS:
- **4-41a-102**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327
- 39 **4-41a-201**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327 and last
- amended by Coordination Clause, Laws of Utah 2023, Chapter 327
- 41 **4-41a-201.1**, as enacted by Laws of Utah 2021, Chapter 350
- 42 **4-41a-202**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 43 Chapter 1
- **4-41a-301**, as last amended by Laws of Utah 2023, Chapter 313
- 45 **4-41a-401**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 46 Chapter 1
- 47 **4-41a-602**, as last amended by Laws of Utah 2023, Chapter 313
- 48 **4-41a-802**, as last amended by Laws of Utah 2023, Chapter 273
- 49 **4-41a-1001**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
- Laws of Utah 2023, Chapter 307
- 4-41a-1005, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and last
- amended by Coordination Clause, Laws of Utah 2023, Chapter 307
- 4-41a-1101, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
- Laws of Utah 2023, Chapter 307
- 4-41a-1102, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
- Laws of Utah 2023, Chapter 307
- 4-41a-1106, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,

62 Laws of Utah 2023, Chapter 307 63 4-41a-1202, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and 64 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause, 65 Laws of Utah 2023, Chapter 307 26B-1-421, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered and 66 amended by Laws of Utah 2023, Chapter 305 67 68 26B-4-201, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered and 69 amended by Laws of Utah 2023, Chapter 307 70 26B-4-202, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered and 71 amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause, Laws 72 of Utah 2023, Chapter 307 73 26B-4-204, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered and 74 amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause, Laws 75 of Utah 2023, Chapter 307 76 **26B-4-207**, as renumbered and amended by Laws of Utah 2023, Chapter 307 77 26B-4-213, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered and 78 amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause, Laws 79 of Utah 2023, Chapter 307 80 **26B-4-245**, as enacted by Laws of Utah 2023, Chapter 273 81 **63I-2-236**, as last amended by Laws of Utah 2023, Chapters 87, 101 and 273 82 **ENACTS:** 83 **4-41a-604**, Utah Code Annotated 1953 84 **34A-5-114**, Utah Code Annotated 1953 85 **Utah Code Sections affected by Coordination Clause:** 86 **4-41a-102**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327 87 26B-4-201, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered and 88 amended by Laws of Utah 2023, Chapter 307 89

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

- 91 The following section is affected by a coordination clause at the end of this bill.
- 92 Section 1. Section **4-41a-102** is amended to read:
- 93 **4-41a-102** . **Definitions**.
- As used in this chapter:
- 95 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be

96	injurious to health, including:
97	(a) pesticides;
98	(b) heavy metals;
99	(c) solvents;
100	(d) microbial life;
101	(e) artificially derived cannabinoid;
102	(f) toxins; or
103	(g) foreign matter.
104	(2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
105	Section 26B-1-435.
106	(3) (a) "Anticompetitive business practice" means any practice that reduces the amount
107	of competition in the medical cannabis market that would be considered an attempt to
108	monopolize, as defined in Section 76-10-3103.
109	(b) "Anticompetitive business practice" may include:
110	(i) agreements that may be considered unreasonable when competitors interact to the
111	extent that they are:
112	(A) no longer acting independently; or
113	(B) when collaborating are able to wield market power together;
114	(ii) monopolizing or attempting to monopolize trade by:
115	(A) acting to maintain or acquire a dominant position in the market; or
116	(B) preventing new entry into the market; or
117	(iii) other conduct outlined in rule.
118	[(3)] (4) (a) "Artificially derived cannabinoid" means a chemical substance that is created
119	by a chemical reaction that changes the molecular structure of any chemical
120	substance derived from the cannabis plant.
121	(b) "Artificially derived cannabinoid" does not include:
122	(i) a naturally occurring chemical substance that is separated from the cannabis plant
123	by a chemical or mechanical extraction process; or
124	(ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
125	cannabinoid acid without the use of a chemical catalyst.
126	[(4)] (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
127	created in Section 26B-1-420.
128	[(5)] (6) "Cannabis" means the same as that term is defined in Section 26B-4-201.
129	[(6)] (7) "Cannabis concentrate" means:

130	(a) the product of any chemical or physical process applied to naturally occurring
131	biomass that concentrates or isolates the cannabinoids contained in the biomass; and
132	(b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
133	artificially derived cannabinoid's purified state.
134	[(7)] (8) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
135	intended to be sold as a cannabis plant product.
136	[(8)] (9) "Cannabis cultivation facility" means a person that:
137	(a) possesses cannabis;
138	(b) grows or intends to grow cannabis; and
139	(c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
140	processing facility, or a medical cannabis research licensee.
141	[(9)] (10) "Cannabis cultivation facility agent" means an individual who[:]
142	holds a valid cannabis production establishment agent registration card with a cannabis
143	cultivation facility designation.
144	[(10)] (11) "Cannabis derivative product" means a product made using cannabis concentrate.
145	[(11)] (12) "Cannabis plant product" means any portion of a cannabis plant intended to be
146	sold in a form that is recognizable as a portion of a cannabis plant.
147	[(12)] (13) "Cannabis processing facility" means a person that:
148	(a) acquires or intends to acquire cannabis from a cannabis production establishment;
149	(b) possesses cannabis with the intent to manufacture a cannabis product;
150	(c) manufactures or intends to manufacture a cannabis product from unprocessed
151	cannabis or a cannabis extract; and
152	(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
153	medical cannabis research licensee.
154	[(13)] (14) "Cannabis processing facility agent" means an individual who[:]
155	holds a valid cannabis production establishment agent registration card with a cannabis
156	processing facility designation.
157	[(14)] (15) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
158	[(15)] (16) "Cannabis production establishment" means a cannabis cultivation facility, a
159	cannabis processing facility, or an independent cannabis testing laboratory.
160	[(16)] (17) "Cannabis production establishment agent" means a cannabis cultivation facility
161	agent, a cannabis processing facility agent, or an independent cannabis testing laboratory
162	agent.
163	[(17)] (18) "Cannabis production establishment agent registration card" means a registration

164	card that the department issues that:
165	(a) authorizes an individual to act as a cannabis production establishment agent; and
166	(b) designates the type of cannabis production establishment for which an individual is
167	authorized to act as an agent.
168	[(18)] (19) "Community location" means a public or private elementary or secondary school,
169	a church, a public library, a public playground, or a public park.
170	[(19)] (20) "Cultivation space" means, quantified in square feet, the horizontal area in which
171	a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
172	if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
173	above other plants in multiple levels.
174	[(20)] (21) "Delivery address" means:
175	(a) for a medical cannabis cardholder who is not a facility[7]:
176	(i) the medical cannabis cardholder's home address; or
177	(ii) an address designated by the medical cannabis cardholder that:
178	(A) is the medical cannabis cardholder's workplace; and
179	(B) is not a community location; or
180	(b) for a medical cannabis cardholder that is a facility, the facility's address.
181	[(21)] (22) "Department" means the Department of Agriculture and Food.
182	[(22)] (23) "Family member" means a parent, step-parent, spouse, child, sibling,
183	step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
184	brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
185	(24) "Government issued photo identification" means the same as that term is defined in
186	Section 26B-4-201, including expired identification in accordance with Section
187	<u>26B-4-244.</u>
188	[(23)] (25) "Home delivery medical cannabis pharmacy" means a medical cannabis
189	pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
190	medical cannabis shipments to a delivery address to fulfill electronic orders that the state
191	central patient portal facilitates.
192	[(24)] (26) (a) "Independent cannabis testing laboratory" means a person that:
193	(i) conducts a chemical or other analysis of cannabis or a cannabis product; or
194	(ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
195	to conduct a chemical or other analysis of the cannabis or cannabis product.
196	(b) "Independent cannabis testing laboratory" includes a laboratory that the department
197	or a research university operates in accordance with Subsection 4-41a-201(14).

198	[(25)] (27) "Independent cannabis testing laboratory agent" means an individual who[:]
199	holds a valid cannabis production establishment agent registration card with an independent
200	cannabis testing laboratory designation.
201	[(26)] (28) "Inventory control system" means a system described in Section 4-41a-103.
202	[(27)] (29) "Licensing board" or "board" means the Cannabis Production Establishment and
203	Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
204	[(28)] (30) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
205	[(29)] (31) "Medical cannabis card" means the same as that term is defined in Section
206	26B-4-201.
207	[(30)] (32) "Medical cannabis courier" means a courier that:
208	(a) the department licenses in accordance with Section 4-41a-1201; and
209	(b) contracts with a home delivery medical cannabis pharmacy to deliver medical
210	cannabis shipments to fulfill electronic orders that the state central patient portal
211	facilitates.
212	[(31)] (33) "Medical cannabis courier agent" means an individual who:
213	(a) is an employee of a medical cannabis courier; and
214	(b) who holds a valid medical cannabis courier agent registration card.
215	[(32)] (34) "Medical cannabis pharmacy" means the same as that term is defined in Section
216	26B-4-201.
217	[(33)] (35) "Medical cannabis pharmacy agent" means the same as that term is defined in
218	Section 26B-4-201.
219	[(34)] (36) "Medical cannabis research license" means a license that the department issues to
220	a research university for the purpose of obtaining and possessing medical cannabis for
221	academic research.
222	[(35)] (37) "Medical cannabis research licensee" means a research university that the
223	department licenses to obtain and possess medical cannabis for academic research, in
224	accordance with Section 4-41a-901.
225	[(36)] (38) "Medical cannabis shipment" means a shipment of medical cannabis [or a
226	medical cannabis product ]that a home delivery medical cannabis pharmacy or a medical
227	cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis
228	order that the state central patient portal facilitates.
229	[(37)] (39) "Medical cannabis treatment" means the same as that term is defined in Section
230	26B-4-201.
231	[(38)] (40) "Medicinal dosage form" means the same as that term is defined in Section

- 232 26B-4-201.
- 233 [(39)] (41) "Pharmacy medical provider" means the same as that term is defined in Section
- 234 26B-4-201.
- 235 [(40)] (42) "Qualified medical provider" means the same as that term is defined in Section
- 236 26B-4-201.
- 237 [(41)] (43) "Qualified Production Enterprise Fund" means the fund created in Section
- 238 4-41a-104.
- 239 [(42)] (44) "Recommending medical provider" means the same as that term is defined in
- 240 Section 26B-4-201.
- [(43)] (45) "Research university" means the same as that term is defined in Section
- 53B-7-702 and a private, nonprofit college or university in the state that:
- 243 (a) is accredited by the Northwest Commission on Colleges and Universities;
- (b) grants doctoral degrees; and
- (c) has a laboratory containing or a program researching a schedule I controlled
- substance described in Section 58-37-4.
- 247 [(44)] (46) "State electronic verification system" means the system described in Section
- 248 26B-4-202.

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- 249 (47) "Targeted marketing" means the promotion of a cannabis product, medical cannabis
- brand, or a medical cannabis device using any of the following methods:
- 251 (a) electronic communication to an individual who is at least 21 years old and has
- requested to receive promotional information;
- (b) an in-person marketing event that is:
- 254 (i) held inside a medical cannabis pharmacy; and
  - (ii) in an area where only a medical cannabis cardholder may access the event;
- 256 (c) other marketing material that is physically available or digitally displayed in a
- 257 <u>medical cannabis pharmacy; or</u>
- (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
- 259 provided to an individual when obtaining medical cannabis:
- 260 (i) in the medical cannabis pharmacy;
- 261 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- 262 (iii) in a medical cannabis shipment.
- 263 [(45)] (48) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
- 264 Section 4-41-102.
- 265 [(46)] (49) "THC analog" means the same as that term is defined in Section 4-41-102.

266	[(47)] (50) "Total composite tetrahydrocannabinol" means all detectable forms of
267	tetrahydrocannabinol.
268	[(48)] (51) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
269	defined in Section 4-41-102.
270	Section 2. Section <b>4-41a-201</b> is amended to read:
271	4-41a-201 . Cannabis production establishment License.
272	(1) Except as provided in Subsection (14), a person may not operate a cannabis production
273	establishment without a license that the department issues under this chapter.
274	(2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a
275	licensing process that the department initiates after March 17, 2021, the
276	department, through the licensing board, shall issue licenses in accordance with
277	Section 4-41a-201.1.
278	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
279	the department shall make rules to specify a transparent and efficient process to:
280	(A) solicit applications for a license under this section;
281	(B) allow for comments and questions in the development of applications;
282	(C) timely and objectively evaluate applications;
283	(D) hold public hearings that the department deems appropriate; and
284	(E) select applicants to receive a license.
285	(iii) The department may not issue a license to operate a cannabis production
286	establishment to an applicant who is not eligible for a license under this section.
287	(b) An applicant is eligible for a license under this section if the applicant submits to the
288	licensing board:
289	(i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
290	cultivation facility, addresses of no more than two facility locations, located in a
291	zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will
292	operate the cannabis production establishment;
293	(ii) the name and address of any individual who has:
294	(A) for a publicly traded company, a financial or voting interest of [2%] 10% or
295	greater in the proposed cannabis production establishment;
296	(B) for a privately held company, a financial or voting interest in the proposed
297	cannabis production establishment; or
298	(C) the power to direct or cause the management or control of a proposed cannabis
299	production establishment;

300	(111) an operating plan that:
301	(A) complies with Section 4-41a-204;
302	(B) includes operating procedures that comply with this chapter and any law the
303	municipality or county in which the person is located adopts that is consistent
304	with Section 4-41a-406; and
305	(C) the department or licensing board approves;
306	(iv) a statement that the applicant will obtain and maintain a liquid cash account with
307	a financial institution or a performance bond that a surety authorized to transact
308	surety business in the state issues in an amount of at least:
309	(A) \$100,000 for each cannabis cultivation facility for which the applicant applies;
310	or
311	(B) \$50,000 for each cannabis processing facility or independent cannabis testing
312	laboratory for which the applicant applies;
313	(v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
314	department sets in accordance with Section 63J-1-504; and
315	(vi) a description of any investigation or adverse action taken by any licensing
316	jurisdiction, government agency, law enforcement agency, or court in any state for
317	any violation or detrimental conduct in relation to any of the applicant's
318	cannabis-related operations or businesses.
319	(c) (i) A person may not locate a cannabis production establishment:
320	(A) within 1,000 feet of a community location; or
321	(B) in or within 600 feet of a district that the relevant municipality or county has
322	zoned as primarily residential.
323	(ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
324	from the nearest entrance to the cannabis production establishment by following
325	the shortest route of ordinary pedestrian travel to the property boundary of the
326	community location or residential area.
327	(iii) The licensing board may grant a waiver to reduce the proximity requirements in
328	Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not
329	reasonably feasible for the applicant to site the proposed cannabis production
330	establishment without the waiver.
331	(iv) An applicant for a license under this section shall provide evidence of
332	compliance with the proximity requirements described in Subsection (2)(c)(i).
333	(3) If the licensing board approves an application for a license under this section and

334		Section 4-41a-201.1:
335		(a) the applicant shall pay the department[: (i)] an initial license fee in an amount
336		that, subject to Subsection 4-41a-104(5), the department sets in accordance with
337		Section 63J-1-504[; or]; and
338		[(ii) a fee for a 120-day limited license to operate as a cannabis processing facility
339		described in Subsection (3)(b) that is equal to 33% of the initial license fee
340		described in Subsection (3)(a)(i); and]
341		(b) the department shall notify the Department of Public Safety of the license approval
342		and the names of each individual described in Subsection (2)(b)(ii).
343	(4)	(a) Except as provided in Subsection (4)(b), a cannabis production establishment
344		shall obtain a separate license for each type of cannabis production establishment and
345		each location of a cannabis production establishment.
346		(b) The licensing board may issue a cannabis cultivation facility license and a cannabis
347		processing facility license to a person to operate at the same physical location or at
348		separate physical locations.
349	(5)	If the licensing board receives more than one application for a cannabis production
350		establishment within the same city or town, the licensing board shall consult with the
351		local land use authority before approving any of the applications pertaining to that city
352		or town.
353	(6)	The licensing board may not issue a license to operate an independent cannabis testing
354		laboratory to a person who:
355		(a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
356		cannabis processing facility, or a cannabis cultivation facility;
357		(b) has an owner, officer, director, or employee whose family member holds a license or
358		has an ownership interest in a medical cannabis pharmacy, a cannabis processing
359		facility, or a cannabis cultivation facility; or
360		(c) proposes to operate the independent cannabis testing laboratory at the same physical
361		location as a medical cannabis pharmacy, a cannabis processing facility, or a
362		cannabis cultivation facility.
363	(7)	The licensing board may not issue a license to operate a cannabis production
364		establishment to an applicant if any individual described in Subsection (2)(b)(ii):
365		(a) has been convicted under state or federal law of:
366		(i) a felony in the preceding 10 years; or
367		(ii) after December 3, 2018, a misdemeanor for drug distribution;
366		(i) a felony in the preceding 10 years; or
30/		(11) after December 3, 2018, a misdemeanor for drug distribution;

368	(b) is younger than 21 years old; or
369	(c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
370	(8) (a) If an applicant for a cannabis production establishment license under this section
371	holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing
372	board may not give preference to the applicant based on the applicant's status as a
373	holder of the license.
374	(b) If an applicant for a license to operate a cannabis cultivation facility under this
375	section holds a license to operate a medical cannabis pharmacy under this title, the
376	licensing board may give consideration to the applicant based on the applicant's
377	status as a holder of a medical cannabis pharmacy license if:
378	(i) the applicant demonstrates that a decrease in costs to patients is more likely to
379	result from the applicant's vertical integration than from a more competitive
380	marketplace; and
381	(ii) the licensing board finds multiple other factors, in addition to the existing license,
382	that support granting the new license.
383	(9) The licensing board may revoke a license under this part:
384	(a) if the cannabis production establishment does not begin cannabis production
385	operations within one year after the day on which the licensing board issues the
386	initial license;
387	(b) after the third of the same violation of this chapter in any of the licensee's licensed
388	cannabis production establishments or medical cannabis pharmacies;
389	(c) if any individual described in Subsection (2)(b) is convicted, while the license is
390	active, under state or federal law of:
391	(i) a felony; or
392	(ii) after December 3, 2018, a misdemeanor for drug distribution;
393	(d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
394	the time of application, or fails to supplement the information described in
395	Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
396	submission of the application within 14 calendar days after the licensee receives
397	notice of the investigation or adverse action;
398	(e) if the cannabis production establishment demonstrates a willful or reckless disregard

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

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(f) if, after a change of ownership described in Subsection (15)(b), the board determines

402	that the cannabis production establishment no longer meets the minimum standards
403	for licensure and operation of the cannabis production establishment described in this
404	chapter; [or]
405	(g) for an independent cannabis testing laboratory, if the independent cannabis testing
406	laboratory fails to substantially meet the performance standards described in
407	Subsection (14)(b)[-] ; or
408	(h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
409	board identifies that the licensee has participated in anticompetitive business
410	practices.
411	(10) (a) A person who receives a cannabis production establishment license under this
412	chapter, if the municipality or county where the licensed cannabis production
413	establishment will be located requires a local land use permit, shall submit to the
414	licensing board a copy of the licensee's approved application for the land use permit
415	within 120 days after the day on which the licensing board issues the license.
416	(b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
417	land use permit application in accordance with Subsection (10)(a), the licensing
418	board may revoke the licensee's license.
419	(11) The department shall deposit the proceeds of a fee that the department imposes under
420	this section into the Qualified Production Enterprise Fund.
421	(12) The department shall begin accepting applications under this part on or before January
422	1, 2020.
423	(13) (a) The department's authority, and consequently the licensing board's authority, to
424	issue a license under this section is plenary and is not subject to review.
425	(b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a
426	license to an applicant is not subject to:
427	(i) Title 63G, Chapter 6a, Part 16, Protests; or
428	(ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
429	(14) (a) Notwithstanding this section, the department:
430	(i) may operate or partner with a research university to operate an independent
431	cannabis testing laboratory;
432	(ii) if the department operates or partners with a research university to operate an
433	independent cannabis testing laboratory, may not cease operating or partnering
434	with a research university to operate the independent cannabis testing laboratory
435	unless:

436	(A) the department issues at least two licenses to independent cannabis testing
437	laboratories; and
438	(B) the department has ensured that the licensed independent cannabis testing
439	laboratories have sufficient capacity to provide the testing necessary to support
440	the state's medical cannabis market; and
441	(iii) after ceasing department or research university operations under Subsection
442	(14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
443	time if:
444	(A) fewer than two licensed independent cannabis testing laboratories are
445	operating; or
446	(B) the licensed independent cannabis testing laboratories become, in the
447	department's determination, unable to fully meet the market demand for testing
448	(b) (i) The department shall make rules, in accordance with Title 63G, Chapter 3,
449	Utah Administrative Rulemaking Act, to establish performance standards for the
450	operation of an independent cannabis testing laboratory, including deadlines for
451	testing completion.
452	(ii) A license that the department issues to an independent cannabis testing laboratory
453	is contingent upon substantial satisfaction of the performance standards described
454	in Subsection (14)(b)(i), as determined by the board.
455	(15) (a) A cannabis production establishment license is not transferrable or assignable.
456	(b) If the ownership of a cannabis production establishment changes by 50% or more:
457	(i) the cannabis production establishment shall submit a new application described in
458	Subsection (2)(b), subject to Subsection (2)(c);
459	(ii) within 30 days of the submission of the application, the board shall:
460	(A) conduct the application review described in Section 4-41a-201.1; and
461	(B) award a license to the cannabis production establishment for the remainder of
462	the term of the cannabis production establishment's license before the
463	ownership change if the cannabis production establishment meets the minimum
464	standards for licensure and operation of the cannabis production establishment
465	described in this chapter; and
466	(iii) if the board approves the license application, notwithstanding Subsection (3), the
467	cannabis production establishment shall pay a license fee that the department sets
468	in accordance with Section 63J-1-504 in an amount that covers the board's cost of
469	conducting the application review.

470	Section 3. Section 4-41a-201.1 is amended to read:
471	4-41a-201.1 . Cannabis Production Establishment and Pharmacy Licensing
472	Advisory Board Composition Duties.
473	(1) There is created within the department the Cannabis Production Establishment and
474	Pharmacy Licensing Advisory Board.
475	(2) The commissioner shall:
476	(a) appoint the members of the board;
477	(b) submit the name of each individual that the commissioner appoints under Subsection
478	(2)(a) to the governor for confirmation or rejection; and
479	(c) if the governor rejects an appointee that the commissioner submits under Subsection
480	(2)(b), appoint another individual in accordance with this Subsection (2).
481	(3) (a) Except as provided in Subsection (3)(c), the board shall consist of the following [
482	six] eight members:
483	(i) the following [five] seven voting members whom the commissioner appoints:
484	(A) one member of the public;
485	(B) one member with knowledge and experience in the pharmaceutical or
486	nutraceutical manufacturing industry;
487	(C) one member representing law enforcement;
488	(D) one member whom an organization representing medical cannabis patients
489	recommends; [and]
490	(E) a chemist who has experience with cannabis and who is associated with a
491	research university; [and]
492	(F) a pharmacist who is not associated with the medical cannabis industry; and
493	(G) an accountant; and
494	(ii) the commissioner or the commissioner's designee as a non-voting member, except
495	to cast a deciding vote in the event of a tie.
496	(b) The commissioner may appoint a [seventh] ninth member to the board who has a
497	background in the cannabis cultivation and processing industry.
498	(c) The commissioner or the commissioner's designee shall serve as the chair of the
499	board.
500	(d) An individual is not eligible for appointment to be a member of the board if the
501	individual:
502	(i) has any commercial or ownership interest in a cannabis production establishment,
503	medical cannabis pharmacy, or medical cannabis courier;

504	(ii) has an owner, officer, director, or employee whose family member holds a licens
505	or has an ownership interest in a cannabis production establishment, medical
506	cannabis pharmacy, or medical cannabis courier; or
507	(iii) is employed or contracted to lobby on behalf of any cannabis production
508	establishment, medical cannabis pharmacy, or medical cannabis courier.
509	(4) (a) Except as provided in Subsection (4)(b), a voting board member shall serve a
510	term of four years, beginning July 1 and ending June 30.
511	(b) Notwithstanding Subsection (4)(a), for the initial appointments to the board, the
512	commissioner shall stagger the length of the terms of board members to ensure that
513	the commissioner appoints two or three board members every two years.
514	(c) As a board member's term expires:
515	(i) the board member is eligible for reappointment; and
516	(ii) the commissioner shall make an appointment, in accordance with Subsection (2),
517	for the new term before the end of the member's term.
518	(d) When a vacancy occurs on the board for any reason other than the expiration of a
519	board member's term, the commissioner shall appoint a replacement to the vacant
520	position, in accordance with Subsection (2), for the unexpired term.
521	(e) In making appointments, the commissioner shall ensure that no two members of the
522	board are employed by or represent the same company or nonprofit organization.
523	(f) The commissioner may remove a board member for cause, neglect of duty,
524	inefficiency, or malfeasance.
525	(5) (a) (i) [Four] Five members of the board constitute a quorum of the board.
526	(ii) An action of the majority of the board members when a quorum is present
527	constitutes an action of the board.
528	(b) The department shall provide staff support to the board.
529	(c) A member of the board may not receive compensation or benefits for the member's
530	service, but may receive per diem and travel expenses in accordance with:
531	(i) Section 63A-3-106;
532	(ii) Section 63A-3-107; and
533	(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106
534	and 63A-3-107.
535	(6) The board shall:
536	(a) meet as called by the chair to review cannabis production establishment and
537	pharmacy license applications:

538	(b) review each license application for compliance with:
539	(i) this chapter; and
540	(ii) department rules;
541	(c) conduct a public hearing to consider the license application;
542	(d) approve the department's license application forms and checklists; and
543	(e) make a determination on each license application.
544	(7) The board shall hold a public hearing to review a cannabis production establishment's on
545	pharmacy's license if the establishment:
546	(a) changes ownership by an interest of 20% or more;
547	(b) changes or adds a location;
548	(c) upgrades to a different licensing tier under department rule;
549	(d) changes extraction or formulation standard operating procedures;
550	(e) adds an industrial hemp processing or cultivation license to the same location as the
551	cannabis production establishment's processing facility; or
552	(f) as necessary based on the recommendation of the department.
553	(8) In a public hearing held under Subsection (7), the board may consider the following in
554	determining whether to approve a request to change pharmacy locations:
555	(a) medical cannabis availability, quality, and variety;
556	(b) whether geographic dispersal among licensees is sufficient to reasonably maximize
557	access to the largest number of medical cannabis cardholders;
558	(c) the extent to which the pharmacy can increase efficiency and reduce the cost to
559	patients of medical cannabis; and
560	(d) the factors listed in Subsection 4-41a-1004(7).
561	(9) In a public hearing held pursuant to Subsection (7), the board may not approve a request
562	to change a medical cannabis pharmacy location outside of the pharmacy's current
563	region established under Subsection 4-41a-1005(1)(c)(ii)(A).
564	[(8)] (10) (a) The board shall meet annually in December to consider cannabis production
565	establishment and pharmacy license renewal applications.
566	(b) During the meeting described in Subsection $[(8)(a)]$ (10)(a):
567	(i) a representative from each applicant for renewal shall:
568	(A) attend in person or electronically; or
569	(B) submit information before the meeting, as the board may require, for the
570	board's consideration; [and]
571	(ii) the board shall consider, for each cannabis cultivation facility seeking renewal,

572	information including:
573	(A) the amount of biomass the licensee produced during the current calendar year;
574	(B) the amount of biomass the licensee projects to produce during the following
575	year;
576	(C) the amount of hemp waste the licensee currently holds;
577	(D) the current square footage or acres of growing area the licensee uses; and
578	(E) the square footage or acres of growing area the licensee projects to use in the
579	following year; [and]
580	(iii) the board shall consider, for each cannabis processing facility seeking renewal,
581	information including:
582	(A) methods and procedures for extraction;
583	(B) standard operating procedures; and
584	(C) a complete listing of the medical dosage forms that the licensee produces[-];
585	<u>and</u>
586	(iv) the board shall consider, for each cannabis pharmacy seeking renewal,
587	information including:
588	(A) product availability, quality, and variety;
589	(B) the pharmacy's operating procedures and practices; and
590	(C) the factors listed in Subsection 4-41a-1003(1).
591	(c) Following consideration of the information provided under Subsection (10)(b), the
592	board may elect to approve, deny, or issue conditional approval of a cannabis
593	production establishment or pharmacy license renewal application.
594	[(e)] (d) The information a licensee or license applicant provides to the board for a
595	license determination constitutes a protected record under Subsection 63G-2-305(1)
596	or (2) if the applicant or licensee provides the board with the information regarding
597	business confidentiality required in Section 63G-2-309.
598	(11) In cooperation with the attorney general, the board may investigate information
599	received by the department indicating that a licensee is potentially engaging in
600	anticompetitive business practices.
601	Section 4. Section <b>4-41a-202</b> is amended to read:
602	4-41a-202 . Cannabis production establishment owners and directors Criminal
603	background checks.
604	(1) Each applicant for a license as a cannabis production establishment shall submit to the
605	department, at the time of application, from each individual who has a financial or

606		voting interest of [2%] 10% or greater in the applicant or who has the power to direct or
607		cause the management or control of the applicant:
608		(a) a fingerprint card in a form acceptable to the Department of Public Safety;
609		(b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
610		registration of the individual's fingerprints in the Federal Bureau of Investigation
611		Next Generation Identification System's Rap Back Service; and
612		(c) consent to a fingerprint background check by:
613		(i) the Utah Bureau of Criminal Identification; and
614		(ii) the Federal Bureau of Investigation.
615	(2)	The Bureau of Criminal Identification shall:
616		(a) check the fingerprints the applicant submits under Subsection (1) against the
617		applicable state, regional, and national criminal records databases, including the
618		Federal Bureau of Investigation Next Generation Identification System;
619		(b) report the results of the background check to the department;
620		(c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
621		for search by future submissions to the local and regional criminal records databases.
622		including latent prints;
623		(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
624		Generation Identification System's Rap Back Service for search by future
625		submissions to national criminal records databases, including the Next Generation
626		Identification System and latent prints; and
627		(e) establish a privacy risk mitigation strategy to ensure that the department only
628		receives notifications for an individual with whom the department maintains an
629		authorizing relationship.
630	(3)	The department shall:
631		(a) assess an individual who submits fingerprints under Subsection (1) a fee in an
632		amount that the department sets in accordance with Section 63J-1-504 for the
633		services that the Bureau of Criminal Identification or another authorized agency
634		provides under this section; and
635		(b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal Identification.
636		Section 5. Section <b>4-41a-301</b> is amended to read:
637		4-41a-301. Cannabis production establishment agent Registration.
638	(1)	An individual may not act as a cannabis production establishment agent unless the
639		department registers the individual as a cannabis production establishment agent,

640	regardless of whether the individual is a seasonal, temporary, or permanent employee.
641	(2) The following individuals, regardless of the individual's status as a qualified medical
642	provider, may not serve as a cannabis production establishment agent, have a financial
643	or voting interest of 2% or greater in a cannabis production establishment, or have the
644	power to direct or cause the management or control of a cannabis production
645	establishment:
646	(a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
647	(b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
648	Practice Act;
649	(c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
650	58, Chapter 68, Utah Osteopathic Medical Practice Act; or
651	(d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
652	Act.
653	(3) An independent cannabis testing laboratory agent may not act as an agent for a medical
654	cannabis pharmacy, a medical cannabis courier, a cannabis processing facility, or a
655	cannabis cultivation facility.
656	(4) (a) The department shall, within 15 business days after the day on which the
657	department receives a complete application from a prospective cannabis production
658	establishment agent, register and issue a cannabis production establishment agent
659	registration card to the prospective agent if the prospective agent:
660	(i) provides to the department:
661	(A) the prospective agent's name and address;
662	(B) which cannabis production establishment agent designations the applicant
663	desires; and
664	(C) the submission required under Subsection (4)(b); and
665	(ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104
666	(5), the department sets in accordance with Section 63J-1-504.
667	(b) Each prospective agent described in Subsection (4)(a) shall:
668	(i) submit to the department:
669	(A) a fingerprint card in a form acceptable to the Department of Public Safety; a
670	(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
671	the registration of the prospective agent's fingerprints in the Federal Bureau of
672	Investigation Next Generation Identification System's Rap Back Service; and
673	(ii) consent to a fingerprint background check by:

674	(A) the Bureau of Criminal Identification; and
675	(B) the Federal Bureau of Investigation.
676	(c) The Bureau of Criminal Identification shall:
677	(i) check the fingerprints the prospective agent submits under Subsection (4)(b)
678	against the applicable state, regional, and national criminal records databases,
679	including the Federal Bureau of Investigation Next Generation Identification
680	System;
681	(ii) report the results of the background check to the department;
682	(iii) maintain a separate file of fingerprints that prospective agents submit under
683	Subsection (4)(b) for search by future submissions to the local and regional
684	criminal records databases, including latent prints;
685	(iv) request that the fingerprints be retained in the Federal Bureau of Investigation
686	Next Generation Identification System's Rap Back Service for search by future
687	submissions to national criminal records databases, including the Next Generation
688	Identification System and latent prints; and
689	(v) establish a privacy risk mitigation strategy to ensure that the department only
690	receives notifications for an individual with whom the department maintains an
691	authorizing relationship.
692	(d) The department shall:
693	(i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an
694	amount that the department sets in accordance with Section 63J-1-504 for the
695	services that the Bureau of Criminal Identification or another authorized agency
696	provides under this section; and
697	(ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal
698	Identification.
699	(5) (a) The department shall designate, on an individual's cannabis production establishment
700	agent registration card
701	the type of cannabis production establishment for which the individual is authorized to ac
702	as an agent.
703	(b) When issuing a card under Subsection (5)(a) the department:
704	(i) may issue a cannabis production establishment agent registration card that
705	contains both a cannabis processing facility designation and a cannabis cultivator
706	facility designation; and
707	(ii) if the cannabis production establishment agent registration card will contain an

708	independent cannabis testing laboratory designation, may not include any other
709	designations.
710	(6) A cannabis production establishment agent shall comply with:
711	(a) a certification standard that the department develops; or
712	(b) a certification standard that the department has reviewed and approved.
713	(7) (a) The department shall ensure that the certification standard described in
714	Subsection (6) includes training:
715	(i) in Utah medical cannabis law;
716	(ii) for a cannabis cultivation facility agent, in cannabis cultivation best practices;
717	(iii) for a cannabis processing facility agent, in cannabis processing, manufacturing
718	safety procedures for items for human consumption, and sanitation best practices;
719	and
720	(iv) for an independent cannabis testing laboratory agent, in cannabis testing best
721	practices.
722	(b) The department shall review the training described in Subsection (7)(a) annually or
723	as often as necessary to ensure compliance with this section.
724	(8) For an individual who holds or applies for a cannabis production establishment agent
725	registration card:
726	(a) the department may revoke or refuse to issue the card if the individual violates the
727	requirements of this chapter; and
728	(b) the department shall revoke or refuse to issue the card if the individual is convicted
729	under state or federal law of:
730	(i) a felony in the preceding 10 years; or
731	(ii) after December 3, 2018, a misdemeanor for drug distribution.
732	(9) (a) A cannabis production establishment agent registration card expires two years
733	after the day on which the department issues the card.
734	(b) A cannabis production establishment agent may renew the agent's registration card if
735	the agent:
736	(i) is eligible for a cannabis production establishment registration card under this
737	section;
738	(ii) certifies to the department in a renewal application that the information in
739	Subsection (4)(a) is accurate or updates the information; and
740	(iii) pays to the department a renewal fee in an amount that:
741	(A) subject to Subsection 4-41a-104(5), the department sets in accordance with

742	Section 63J-1-504; and
743	(B) may not exceed the cost of the relatively lower administrative burden of
744	renewal in comparison to the original application process.
745	(10) A cannabis production establishment shall:
746	(a) maintain a list of each employee that holds a cannabis production establishment
747	agent registration card; and
748	(b) provide the list to the department upon request.
749	Section 6. Section 4-41a-401 is amended to read:
750	4-41a-401. Cannabis production establishment General operating
751	requirements.
752	(1) (a) A cannabis production establishment shall operate in accordance with the
753	operating plan described in Sections 4-41a-201 and 4-41a-204.
754	(b) A cannabis production establishment shall notify the department before a change in
755	the cannabis production establishment's operating plan.
756	(c) (i) If a cannabis production establishment changes the cannabis production
757	establishment's operating plan, the establishment shall ensure that the new
758	operating plan complies with this chapter.
759	(ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
760	Utah Administrative Rulemaking Act, a process to:
761	(A) review a change notification described in Subsection (1)(b);
762	(B) identify for the cannabis production establishment each point of
763	noncompliance between the new operating plan and this chapter;
764	(C) provide an opportunity for the cannabis production establishment to address
765	each identified point of noncompliance; and
766	(D) suspend or revoke a license if the cannabis production establishment fails to
767	cure the noncompliance.
768	(2) A cannabis production establishment shall operate:
769	(a) except as provided in Subsection (5), in a facility that is accessible only by an
770	individual with a valid cannabis production establishment agent registration card
771	issued under Section 4-41a-301; and
772	(b) at the physical address provided to the department under Section 4-41a-201.
773	(3) A cannabis production establishment may not employ an individual who is younger than
774	21 years old.
775	(4) A cannabis production establishment may not employ an individual who has been

776		convicted, under state or federal law, of:
777		(a) a felony in the preceding 10 years; or
778		(b) after December 3, 2018, a misdemeanor for drug distribution.
779	(5)	A cannabis production establishment may authorize an individual who is at least 18
780		years old and is not a cannabis production establishment agent to access the cannabis
781		production establishment if the cannabis production establishment:
782		(a) tracks and monitors the individual at all times while the individual is at the cannabis
783		production establishment; and
784		(b) maintains a record of the individual's access, including arrival and departure.
785	(6)	A cannabis production establishment shall operate in a facility that has:
786		(a) a single, secure public entrance;
787		(b) a security system with a backup power source that:
788		(i) detects and records entry into the cannabis production establishment; and
789		(ii) provides notice of an unauthorized entry to law enforcement when the cannabis
790		production establishment is closed; and
791		(c) a lock or equivalent restrictive security feature on any area where the cannabis
792		production establishment stores cannabis or a cannabis product.
793		Section 7. Section <b>4-41a-602</b> is amended to read:
794		4-41a-602. Cannabis product Labeling and child-resistant packaging.
795	(1)	For any cannabis product that a cannabis processing facility processes or produces and
796		for any raw cannabis that the facility packages, the facility shall:
797		(a) label the cannabis or cannabis product with a label that:
798		(i) clearly and unambiguously states that the cannabis product or package contains
799		cannabis;
800		(ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol
801		and any known cannabinoid that is greater than 1% of the total cannabinoids
802		contained in the cannabis or cannabis product as determined under Subsection
803		4-41a-701(4);
804		(iii) has a unique identification number that:
805		(A) is connected to the inventory control system; and
806		(B) identifies the unique cannabis product manufacturing process the cannabis
807		processing facility used to manufacture the cannabis product;
808		(iv) identifies the cannabinoid extraction process that the cannabis processing facility

used to create the cannabis product;

809

810	(v) does not display an image, word, or phrase that the facility knows or should know
811	appeals to children; and
812	(vi) discloses each active or potentially active ingredient, in order of prominence, and
813	possible allergen; and
814	(b) package the raw cannabis or cannabis product in a medicinal dosage form in a
815	container that:
816	(i) is tamper evident and tamper resistant;
817	(ii) does not appeal to children;
818	(iii) does not mimic a candy container;
819	(iv) complies with child-resistant effectiveness standards that the United States
820	Consumer Product Safety Commission establishes;
821	(v) includes a warning label that states:
822	(A) for a container labeled before July 1, 2021, "WARNING: Cannabis has
823	intoxicating effects and may be addictive. Do not operate a vehicle or
824	machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This
825	product is for medical use only. Use only as directed by a qualified medical
826	provider.";
827	(B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has
828	intoxicating effects and may be addictive. Do not operate a vehicle or
829	machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This
830	product is for medical use only. Use only as directed by a recommending
831	medical provider."; or
832	(C) for a container labeled on or after January 1, 2024, "WARNING: Cannabis
833	has intoxicating effects, may be addictive, and may increase risk of mental
834	illness. Do not operate a vehicle or machinery under its influence. KEEP OUT
835	OF REACH OF CHILDREN. This product is for medical use only. Use only as
836	directed by a recommending medical provider."; and
837	(vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or
838	after May 3, 2023, includes a warning label that states:
839	(A) "WARNING: Vaping of cannabis-derived products has been associated with
840	lung injury."; and
841	(B) "WARNING: Inhalation of cannabis smoke has been associated with lung
842	injury.".
843	(2) To ensure that a cannabis product that a cannabis processing facility processes or

844	produces has a medical rather than recreational disposition, the facility may not produce
845	or process a product whose logo, product name, or brand name includes terms related to
846	recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja,"
847	"Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank,"
848	"doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong,"
849	"budtender," "dab," "blaze," "toke," or "420."
850	[(2)] (3) For any cannabis or cannabis product that the cannabis processing facility
851	processes into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
852	rectangular cuboid shape, the facility shall:
853	(a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
854	other image of the content of the container; and
855	(b) include on the label described in Subsection (1)(a) a warning about the risks of
856	over-consumption.
857	[(3)] (4) For any cannabis product that contains an artificially derived cannabinoid, the
858	cannabis processing facility shall ensure that the label clearly:
859	(a) identifies each artificially derived cannabinoid; and
860	(b) identifies that each artificially derived cannabinoid is an artificially derived
861	cannabinoid.
862	[(4)] (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
863	department:
864	(a) shall make rules to establish:
865	(i) a standard labeling format that:
866	(A) complies with the requirements of this section; and
867	(B) ensures inclusion of a pharmacy label; and
868	(ii) additional requirements on packaging for cannabis and cannabis products to
869	ensure safety and product quality; and
870	(b) may make rules to further define standards regarding images, words, phrases, or
871	containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).
872	Section 8. Section <b>4-41a-604</b> is enacted to read:
873	<u>4-41a-604</u> . Advertising.
874	In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
875	department may make rules establishing conditions under which a cannabis
876	processing facility may engage in targeted marketing.
877	Section 9. Section <b>4-41a-802</b> is amended to read:

878	4-41a-802 . Report.
879	(1) At or before the November interim meeting each year, the department shall report to the
880	Health and Human Services Interim Committee on:
881	(a) the number of applications and renewal applications that the department receives
882	under this chapter;
883	(b) the number of each type of cannabis production facility that the department licenses
884	in each county;
885	(c) the amount of cannabis that licensees grow;
886	(d) the amount of cannabis that licensees manufacture into cannabis products;
887	(e) the number of licenses the department revokes under this chapter;
888	(f) the department's operation of an independent cannabis testing laboratory under
889	Section 4-41a-201, including:
890	(i) the cannabis and cannabis products the department tested; and
891	(ii) the results of the tests the department performed; [and]
892	(g) the expenses incurred and revenues generated under this chapter[-] ; and
893	(h) an analysis of product availability in medical cannabis pharmacies in consultation
894	with the Department of Health and Human Services.
895	(2) The department may not include personally identifying information in the report
896	described in this section.
897	(3) The department shall report to the working group described in Section 36-12-8.2 as
898	requested by the working group.
899	Section 10. Section <b>4-41a-1001</b> is amended to read:
900	4-41a-1001 . Medical cannabis pharmacy License Eligibility.
901	(1) A person may not operate as a medical cannabis pharmacy without a license that the
902	department issues under this part.
903	(2) (a) (i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the
904	department shall issue a license to operate a medical cannabis pharmacy [in
905	accordance with Title 63G, Chapter 6a, Utah Procurement Code] through the
906	licensing board created under Section 4-41a-201.1.
907	(ii) The department may not issue a license to operate a medical cannabis pharmacy
908	to an applicant who is not eligible for a license under this section.
909	(b) An applicant is eligible for a license under this section if the applicant submits to the
910	department:
911	(i) subject to Subsection (2)(c), a proposed name and address where the applicant will

912	operate the medical cannabis pharmacy;
913	(ii) the name and address of an individual who:
914	(A) for a publicly traded company, has a financial or voting interest of 10% or
915	greater in the proposed medical cannabis pharmacy;
916	(B) for a privately held company, a financial or voting interest in the proposed
917	medical cannabis pharmacy; or
918	(C) has the power to direct or cause the management or control of a proposed
919	medical cannabis pharmacy;
920	(iii) for each application that the applicant submits to the department, a statement
921	from the applicant that the applicant will obtain and maintain:
922	(A) a performance bond in the amount of \$100,000 issued by a surety authorized
923	to transact surety business in the state; or
924	(B) a liquid cash account in the amount of \$100,000 with a financial institution;
925	(iv) an operating plan that:
926	(A) complies with Section 4-41a-1004;
927	(B) includes operating procedures to comply with the operating requirements for a
928	medical cannabis pharmacy described in this part and with a relevant municipa
929	or county law that is consistent with Section 4-41a-1106; and
930	(C) the department approves;
931	(v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
932	department sets in accordance with Section 63J-1-504; and
933	(vi) a description of any investigation or adverse action taken by any licensing
934	jurisdiction, government agency, law enforcement agency, or court in any state for
935	any violation or detrimental conduct in relation to any of the applicant's
936	cannabis-related operations or businesses.
937	(c) (i) A person may not locate a medical cannabis pharmacy:
938	(A) within 200 feet of a community location; or
939	(B) in or within 600 feet of a district that the relevant municipality or county has
940	zoned as primarily residential.
941	(ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
942	from the nearest entrance to the medical cannabis pharmacy establishment by
943	following the shortest route of ordinary pedestrian travel to the property boundary
944	of the community location or residential area.
945	(iii) The department may grant a waiver to reduce the proximity requirements in

946 Subsection (2)(c)(i) by up to 20% if the department determines that it is not 947 reasonably feasible for the applicant to site the proposed medical cannabis 948 pharmacy without the waiver. (iv) An applicant for a license under this section shall provide evidence of 949 950 compliance with the proximity requirements described in Subsection (2)(c)(i). 951 (d) The department may not issue a license to an eligible applicant that the department 952 has selected to receive a license until the selected eligible applicant complies with the 953 bond or liquid cash requirement described in Subsection (2)(b)(iii). 954 (e) If the department receives more than one application for a medical cannabis 955 pharmacy within the same city or town, the department shall consult with the local 956 land use authority before approving any of the applications pertaining to that city or 957 town. 958 (f) In considering the issuance of a medical cannabis pharmacy license under this 959 section, the department may consider the extent to which the pharmacy can increase 960 efficiency and reduce the cost to patients of medical cannabis. 961 (3) If the department selects an applicant for a medical cannabis pharmacy license under 962 this section, the department shall: 963 (a) charge the applicant an initial license fee in an amount that, subject to Subsection 964 4-41a-104(5), the department sets in accordance with Section 63J-1-504; 965 (b) notify the Department of Public Safety of the license approval and the names of each 966 individual described in Subsection (2)(b)(ii); and (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the 967 department sets in accordance with Section 63J-1-504, for any change in location, 968 969 ownership, or company structure. 970 (4) The department may not issue a license to operate a medical cannabis pharmacy to an 971 applicant if an individual described in Subsection (2)(b)(ii): 972 (a) has been convicted under state or federal law of: 973 (i) a felony in the preceding 10 years; or 974 (ii) after December 3, 2018, a misdemeanor for drug distribution; 975 (b) is younger than 21 years old; or 976 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator. 977 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds 978 another license under this chapter, the department may not give preference to the 979 applicant based on the applicant's status as a holder of the license.

980 (b) If an applicant for a medical cannabis pharmacy license under this section holds a 981 license to operate a cannabis cultivation facility under this section, the department 982 may give consideration to the applicant's status as a holder of the license if: 983 (i) the applicant demonstrates that a decrease in costs to patients is more likely to 984 result from the applicant's vertical integration than from a more competitive 985 marketplace; and 986 (ii) the department finds multiple other factors, in addition to the existing license, that 987 support granting the new license. 988 (6) [(a)] The [department] licensing board may revoke a license under this part: 989 (i) (a) if the medical cannabis pharmacy does not begin operations within one year after 990 the day on which the department issues an announcement of the department's intent 991 to award a license to the medical cannabis pharmacy; 992 [(ii)] (b) after the third the same violation of this chapter in any of the licensee's licensed 993 cannabis production establishments or medical cannabis pharmacies; 994 [(iii)] (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license 995 is active, under state or federal law of: 996 [(A)] (i) a felony; or 997 [(B)] (ii) after December 3, 2018, a misdemeanor for drug distribution; 998 [(iv)] (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) 999 at the time of application, or fails to supplement the information described in 1000 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the 1001 submission of the application within 14 calendar days after the licensee receives 1002 notice of the investigation or adverse action; 1003 (v) (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard 1004 for the requirements of this chapter or the rules the department makes in accordance 1005 with this chapter; [or] 1006 [(vi)] (f) if, after a change of ownership described in Subsection (11)(c), the department 1007 determines that the medical cannabis pharmacy no longer meets the minimum 1008 standards for licensure and operation of the medical cannabis pharmacy described in 1009 this chapter[-]; or 1010 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in 1011 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board 1012 finds that the licensee has participated in anticompetitive business practices. 1013 (b) The department shall rescind a notice of an intent to issue a license under this part

1014	to an applicant or revoke a license issued under this part if the associated medical
1015	cannabis pharmacy does not begin operation on or before June 1, 2021.]
1016	(7) (a) A person who receives a medical cannabis pharmacy license under this chapter, if
1017	the municipality or county where the licensed medical cannabis pharmacy will be
1018	located requires a local land use permit, shall submit to the department a copy of the
1019	licensee's approved application for the land use permit within 120 days after the day
1020	on which the department issues the license.
1021	(b) If a licensee fails to submit to the department a copy the licensee's approved land use
1022	permit application in accordance with Subsection (7)(a), the department may revoke
1023	the licensee's license.
1024	(8) The department shall deposit the proceeds of a fee imposed by this section into the
1025	Qualified Production Enterprise Fund.
1026	(9) The department shall begin accepting applications under this part on or before March 1,
1027	2020.
1028	(10) (a) The department's authority to issue a license under this section is plenary and is
1029	not subject to review.
1030	(b) Notwithstanding Subsection (2), the decision of the department to award a license to
1031	an applicant is not subject to:
1032	(i) Title 63G, Chapter 6a, Part 16, Protests; or
1033	(ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
1034	(11) (a) A medical cannabis pharmacy license is not transferrable or assignable.
1035	(b) A medical cannabis pharmacy shall report in writing to the department no later than
1036	10 business days before the date of any change of ownership of the medical cannabis
1037	pharmacy.
1038	(c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
1039	(i) concurrent with the report described in Subsection (11)(b), the medical cannabis
1040	pharmacy shall submit a new application described in Subsection (2)(b), subject to
1041	Subsection (2)(c);
1042	(ii) within 30 days of the submission of the application, the department shall:
1043	(A) conduct an application review; and
1044	(B) award a license to the medical cannabis pharmacy for the remainder of the
1045	term of the medical cannabis pharmacy's license before the ownership change
1046	if the medical cannabis pharmacy meets the minimum standards for licensure
1047	and operation of the medical cannabis pharmacy described in this chapter; and

1048	(iii) if the department approves the license application, notwithstanding Subsection
1049	(3), the medical cannabis pharmacy shall pay a license fee that the department sets
1050	in accordance with Section 63J-1-504 in an amount that covers the [board's]
1051	department's cost of conducting the application review.
1052	Section 11. Section 4-41a-1005 is amended to read:
1053	4-41a-1005. Maximum number of licenses.
1054	(1) (a) Except as provided in [Subsections] Subsection (1)(b) or (d), if a sufficient
1055	number of applicants apply, the department shall issue up to 15 medical cannabis
1056	pharmacy licenses in accordance with this section.
1057	(b) If an insufficient number of qualified applicants apply for the available number of
1058	medical cannabis pharmacy licenses, the department shall issue a medical cannabis
1059	pharmacy license to each qualified applicant.
1060	(c) The department may issue the licenses described in Subsection (1)(a) in accordance
1061	with this Subsection (1)(c).
1062	(i) Using one procurement process, the department may issue eight licenses to an
1063	initial group of medical cannabis pharmacies and six licenses to a second group of
1064	medical cannabis pharmacies.
1065	(ii) [If the department issues licenses in two phases in accordance with Subsection
1066	(1)(e)(i), the] The department shall:
1067	(A) divide the state into no less than four geographic regions, set by the
1068	department in rule;
1069	(B) issue at least one license in each geographic region during each phase of
1070	issuing licenses; and
1071	(C) complete the process of issuing medical cannabis pharmacy licenses no later
1072	than July 1, 2020.
1073	(iii) In issuing a 15th license under Subsection (1), the department shall ensure that
1074	the license recipient will locate the medical cannabis pharmacy within Dagget,
1075	Duchesne, Uintah, Carbon, Sevier, Emery, Grand, or San Juan County.
1076	(d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
1077	addition to the licenses described in Subsection (1)(a) if the department
1078	determines, in consultation with the Department of Health and Human Services
1079	and after an annual or more frequent analysis of the current and anticipated market
1080	for medical cannabis, that each additional license is necessary to provide an
1081	adequate supply, quality, or variety of medical cannabis to medical cannabis

1082	cardholders.
1083	(ii) The department shall:
1084	(A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1085	Act, make rules to establish criteria and processes for the consultation,
1086	analysis, and application for a license described in Subsection (1)(d)(i); and
1087	(B) report to the Executive Appropriations Committee of the Legislature before
1088	each time the department issues an additional license under Subsection
1089	(1)(d)(i) regarding the results of the consultation and analysis described in
1090	Subsection (1)(d)(i) and the application of the criteria described in Subsection
1091	(1)(d)(ii)(A).
1092	(2) (a) If there are more qualified applicants than there are available licenses for medical
1093	cannabis pharmacies, the department shall:
1094	(i) evaluate each applicant and award the license to the applicant that best
1095	demonstrates:
1096	(A) experience with establishing and successfully operating a business that
1097	involves complying with a regulatory environment, tracking inventory, and
1098	training, evaluating, and monitoring employees;
1099	(B) an operating plan that will best ensure the safety and security of patrons and
1100	the community;
1101	(C) positive connections to the local community;
1102	(D) the suitability of the proposed location and the location's accessibility for
1103	qualifying patients;
1104	(E) the extent to which the applicant can increase efficiency and reduce the cost of
1105	medical cannabis for patients; and
1106	(F) a strategic plan described in Subsection 4-41a-1004(7) that has a
1107	comparatively high likelihood of success; and
1108	(ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
1109	maximize access to the largest number of medical cannabis cardholders.
1110	(b) In making the evaluation described in Subsection (2)(a), the department may give
1111	increased consideration to applicants who indicate a willingness to:
1112	(i) operate as a home delivery medical cannabis pharmacy that accepts electronic
1113	medical cannabis orders that the state central patient portal facilitates; and
1114	(ii) accept payments through:
1115	(A) a payment provider that the Division of Finance approves, in consultation

1116	with the state treasurer, in accordance with Section 4-41a-108; or
1117	(B) a financial institution in accordance with Subsection 4-41a-108(4).
1118	(3) The department may conduct a face-to-face interview with an applicant for a license that
1119	the department evaluates under Subsection (2).
1120	Section 12. Section <b>4-41a-1101</b> is amended to read:
1121	4-41a-1101 . Operating requirements General.
1122	(1) (a) A medical cannabis pharmacy shall operate:
1123	(i) at the physical address provided to the department under Section 4-41a-1001; and
1124	(ii) in accordance with the operating plan provided to the department under Section
1125	4-41a-1001 and, if applicable, Section 4-41a-1004.
1126	(b) A medical cannabis pharmacy shall notify the department before a change in the
1127	medical cannabis pharmacy's physical address or operating plan.
1128	(2) An individual may not enter a medical cannabis pharmacy unless the individual:
1129	(a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
1130	(b) except as provided in Subsection (4):
1131	(i) possesses a valid:
1132	(A) medical cannabis pharmacy agent registration card;
1133	(B) pharmacy medical provider registration card; or
1134	(C) medical cannabis card;
1135	(ii) is an employee of the department performing an inspection under Section
1136	4-41a-1103; or
1137	(iii) is another individual as the department provides.
1138	(3) A medical cannabis pharmacy may not employ an individual who is younger than 21
1139	years old.
1140	(4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
1141	individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
1142	to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
1143	monitors the individual at all times while the individual is at the medical cannabis
1144	pharmacy and maintains a record of the individual's access.
1145	(5) A medical cannabis pharmacy shall operate in a facility that has:
1146	(a) a single, secure public entrance;
1147	(b) a security system with a backup power source that:
1148	(i) detects and records entry into the medical cannabis pharmacy; and
1149	(ii) provides notice of an unauthorized entry to law enforcement when the medical

1150	cannabis pharmacy is closed; and
1151	(c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
1152	cannabis product.
1153	(6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
1154	cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
1155	4-41a-1102(2).
1156	(7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
1157	cannabis pharmacy may not allow any individual to consume cannabis on the property
1158	or premises of the medical cannabis pharmacy.
1159	(8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first
1160	indicating on the cannabis or cannabis product label the name of the medical cannabis
1161	pharmacy.
1162	(9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
1163	following information regarding each recommendation underlying a transaction:
1164	(i) the recommending medical provider's name, address, and telephone number;
1165	(ii) the patient's name and address;
1166	(iii) the date of issuance;
1167	(iv) directions of use and dosing guidelines or an indication that the recommending
1168	medical provider did not recommend specific directions of use or dosing
1169	guidelines; and
1170	(v) if the patient did not complete the transaction, the name of the medical cannabis
1171	cardholder who completed the transaction.
1172	(b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
1173	not sell medical cannabis unless the medical cannabis has a label securely affixed
1174	to the container indicating the following minimum information:
1175	(A) the name, address, and telephone number of the medical cannabis pharmacy;
1176	(B) the unique identification number that the medical cannabis pharmacy assigns
1177	(C) the date of the sale;
1178	(D) the name of the patient;
1179	(E) the name of the recommending medical provider who recommended the
1180	medical cannabis treatment;
1181	(F) directions for use and cautionary statements, if any;
1182	(G) the amount dispensed and the cannabinoid content;
1183	(H) the suggested use date;

1184	(I) for unprocessed cannabis flower, the legal use termination date; and
1185	(J) any other requirements that the department determines, in consultation with the
1186	Division of Professional Licensing and the Board of Pharmacy.
1187	(ii) A medical cannabis pharmacy is exempt from the requirement to provide the
1188	following information under Subsection (9)(b)(i) if the information is already
1189	provided on the product label that a cannabis production establishment affixes:
1190	(A) a unique identification number;
1191	(B) directions for use and cautionary statements;
1192	(C) amount and cannabinoid content; and
1193	(D) a suggested use date.
1194	(iii) If the size of a medical cannabis container does not allow sufficient space to
1195	include the labeling requirements described in Subsection (9)(b)(i), the medical
1196	cannabis pharmacy may provide the following information described in
1197	Subsection (9)(b)(i) on a supplemental label attached to the container or an
1198	informational enclosure that accompanies the container:
1199	(A) the cannabinoid content;
1200	(B) the suggested use date; and
1201	(C) any other requirements that the department determines.
1202	(iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1203	cannabis pharmacy without a label described in Subsection (9)(b)(i).
1204	(10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
1205	(a) upon receipt of an order from a limited medical provider in accordance with
1206	Subsections 26B-4-204(1)(b) through (d):
1207	(i) for a written order or an electronic order under circumstances that the department
1208	determines, contact the limited medical provider or the limited medical provider's
1209	office to verify the validity of the recommendation; and
1210	(ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1211	agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
1212	to verification under Subsection (10)(a)(i), enter the limited medical provider's
1213	recommendation or renewal, including any associated directions of use, dosing
1214	guidelines, or caregiver indication, in the state electronic verification system;
1215	(b) in processing an order for a holder of a conditional medical cannabis card described
1216	in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
1217	the pharmacy medical provider or medical cannabis pharmacy agent, contact the

1218	recommending medical provider or the recommending medical provider's office to
1219	verify the validity of the recommendation before processing the cardholder's order;
1220	(c) unless the medical cannabis cardholder has had a consultation under Subsection
1221	26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
1222	purchase of cannabis, a cannabis product, or a medical cannabis device, personal
1223	counseling with the pharmacy medical provider; and
1224	(d) provide a telephone number or website by which the cardholder may contact a
1225	pharmacy medical provider for counseling.
1226	(11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1227	that allows an individual to deposit unused or excess medical cannabis[;] or cannabis
1228	residue from a medical cannabis device[, or medical cannabis product] in a locked
1229	box or other secure receptacle within the medical cannabis pharmacy.
1230	(b) A medical cannabis pharmacy with a disposal program described in Subsection
1231	(11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
1232	medical provider can access deposited medical cannabis [or medical cannabis
1233	products].
1234	(c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis [or
1235	medical cannabis products ]by:
1236	(i) rendering the deposited medical cannabis [or medical cannabis products-]unusable
1237	and unrecognizable before transporting deposited medical cannabis [or medical
1238	eannabis products-]from the medical cannabis pharmacy; and
1239	(ii) disposing of the deposited medical cannabis [or medical cannabis products-]in
1240	accordance with:
1241	(A) federal and state law, rules, and regulations related to hazardous waste;
1242	(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
1243	(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
1244	(D) other regulations that the department makes in accordance with Title 63G,
1245	Chapter 3, Utah Administrative Rulemaking Act.
1246	(12) A medical cannabis pharmacy:
1247	(a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1248	Practice Act, as a pharmacy medical provider;
1249	(b) may employ a physician who has the authority to write a prescription and is licensed
1250	under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1251	Osteopathic Medical Practice Act, as a pharmacy medical provider:

1252	(c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
1253	onsite during all business hours;
1254	(d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
1255	pharmacist-in-charge to oversee the operation of and generally supervise the medical
1256	cannabis pharmacy; and
1257	(e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis
1258	products the medical cannabis pharmacy maintains in the medical cannabis
1259	pharmacy's inventory.
1260	[(12)] (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1261	Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis
1262	products by a medical cannabis pharmacy.
1263	Section 13. Section <b>4-41a-1102</b> is amended to read:
1264	4-41a-1102 . Dispensing Amount a medical cannabis pharmacy may dispense
1265	Reporting Form of cannabis or cannabis product.
1266	(1) (a) A medical cannabis pharmacy may not sell a product other than:
1267	(i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
1268	from another medical cannabis pharmacy or a cannabis processing facility that is
1269	licensed under Section 4-41a-201;
1270	(ii) a cannabis product in a medicinal dosage form that the medical cannabis
1271	pharmacy acquired from another medical cannabis pharmacy or a cannabis
1272	processing facility that is licensed under Section 4-41a-201;
1273	(iii) a medical cannabis device; or
1274	(iv) educational material related to the medical use of cannabis.
1275	(b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an
1276	individual with:
1277	(i) (A) a medical cannabis card; or
1278	(B) a Department of Health and Human Services registration described in
1279	Subsection 26B-4-213(10); and
1280	(ii) a corresponding government issued photo identification.
1281	(c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
1282	cannabis-based drug that the United States Food and Drug Administration has
1283	approved.
1284	(d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
1285	medical cannabis device or medical cannabis [product] to an individual described in

1286	Subsection 26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213
1287	(2)(c) unless the individual or minor has the approval of the Compassionate Use
1288	Board in accordance with Subsection 26B-1-421(5).
1289	(2) A medical cannabis pharmacy:
1290	(a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
1291	legal dosage limit of:
1292	(i) unprocessed cannabis that:
1293	(A) is in a medicinal dosage form; and
1294	(B) carries a label clearly displaying the amount of tetrahydrocannabinol and
1295	cannabidiol in the cannabis; and
1296	(ii) a cannabis product that is in a medicinal dosage form; and
1297	(b) may not dispense:
1298	(i) except for a medical cannabis cardholder approved under Subsection 26B-4-245
1299	(2), more medical cannabis than described in Subsection (2)(a); or
1300	(ii) to an individual whose recommending medical provider did not recommend
1301	directions of use and dosing guidelines, until the individual consults with the
1302	pharmacy medical provider in accordance with Subsection 26B-4-231(5) any
1303	medical cannabis.
1304	(3) (a) A medical cannabis pharmacy shall:
1305	(i) (A) access the state electronic verification system before dispensing cannabis
1306	or a cannabis product to a medical cannabis cardholder in order to determine if
1307	the cardholder or, where applicable, the associated patient has met the
1308	maximum amount of medical cannabis described in Subsection (2); and
1309	(B) if the verification in Subsection $(3)(a)(i)(\underline{A})$ indicates that the individual has
1310	met the maximum amount described in Subsection (2), decline the sale, and
1311	notify the recommending medical provider who made the underlying
1312	recommendation;
1313	(ii) submit a record to the state electronic verification system each time the medical
1314	cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
1315	(iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1316	each medical cannabis transaction before dispensing the medical cannabis to the
1317	cardholder in accordance with pharmacy practice standards;
1318	(iv) package any medical cannabis that is in a container that:
1319	(A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related

1320	to a container for unprocessed cannabis flower in the definition of "medicinal
1321	dosage form" in Section 26B-4-201;
1322	(B) is tamper-resistant and tamper-evident; and
1323	(C) provides an opaque bag or box for the medical cannabis cardholder's use in
1324	transporting the container in public;
1325	(v) for a product that is a cube that is designed for ingestion through chewing or
1326	holding in the mouth for slow dissolution, include a separate, off-label warning
1327	about the risks of over-consumption; and
1328	(vi) beginning January 1, 2024, for a cannabis product that is cannabis flower,
1329	vaporizer cartridges, or concentrate, provide the product's terpene profiles
1330	collected under Subsection [4-41a-602(4)] 4-41a-701(4) at or before the point of
1331	sale.
1332	(b) A medical cannabis cardholder transporting or possessing the container described in
1333	Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box
1334	that the medical cannabis pharmacist provides.
1335	(4) (a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not
1336	sell medical cannabis in the form of a cigarette or a medical cannabis device that is
1337	intentionally designed or constructed to resemble a cigarette.
1338	(b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1339	cannabis material into a vapor without the use of a flame and that delivers cannabis to
1340	an individual's respiratory system.
1341	(5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the medical
1342	cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).
1343	(b) A medical cannabis pharmacy may give, at no cost, educational material related to
1344	the medical use of cannabis.
1345	(6) A medical cannabis pharmacy may purchase and store medical cannabis devices
1346	regardless of whether the seller has a cannabis-related license under this chapter or Title
1347	26B, Utah Health and Human Services Code.
1348	Section 14. Section <b>4-41a-1106</b> is amended to read:
1349	4-41a-1106. Medical cannabis pharmacy agent Registration.
1350	(1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1351	cannabis pharmacy unless the department registers the individual as a medical cannabis
1352	pharmacy agent.
1353	(2) A recommending medical provider may not act as a medical cannabis pharmacy agent,

1354		have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
1355		have the power to direct or cause the management or control of a medical cannabis
1356		pharmacy.
1357	(3)	(a) The department shall, within 15 days after the day on which the department
1358		receives a complete application from a medical cannabis pharmacy on behalf of a
1359		prospective medical cannabis pharmacy agent, register and issue a medical cannabis
1360		pharmacy agent registration card to the prospective agent if the medical cannabis
1361		pharmacy:
1362		(i) provides to the department:
1363		(A) the prospective agent's name and address;
1364		(B) the name and location of the licensed medical cannabis pharmacy where the
1365		prospective agent seeks to act as the medical cannabis pharmacy agent; and
1366		(C) the submission required under Subsection (3)(b); and
1367		(ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104
1368		(5), the department sets in accordance with Section 63J-1-504.
1369		(b) Each prospective agent described in Subsection (3)(a) shall:
1370		(i) submit to the department:
1371		(A) a fingerprint card in a form acceptable to the Department of Public Safety; and
1372		(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
1373		the registration of the prospective agent's fingerprints in the Federal Bureau of
1374		Investigation Next Generation Identification System's Rap Back Service; and
1375		(ii) consent to a fingerprint background check by:
1376		(A) the Bureau of Criminal Identification; and
1377		(B) the Federal Bureau of Investigation.
1378		(c) The Bureau of Criminal Identification shall:
1379		(i) check the fingerprints the prospective agent submits under Subsection (3)(b)
1380		against the applicable state, regional, and national criminal records databases,
1381		including the Federal Bureau of Investigation Next Generation Identification
1382		System;
1383		(ii) report the results of the background check to the department;
1384		(iii) maintain a separate file of fingerprints that prospective agents submit under
1385		Subsection (3)(b) for search by future submissions to the local and regional
1386		criminal records databases, including latent prints;
1387		(iv) request that the fingerprints be retained in the Federal Bureau of Investigation

1388	Next Generation Identification System's Rap Back Service for search by future
1389	submissions to national criminal records databases, including the Next Generation
1390	Identification System and latent prints; and
1391	(v) establish a privacy risk mitigation strategy to ensure that the department only
1392	receives notifications for an individual with whom the department maintains an
1393	authorizing relationship.
1394	(d) The department shall:
1395	(i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1396	amount that the department sets in accordance with Section 63J-1-504 for the
1397	services that the Bureau of Criminal Identification or another authorized agency
1398	provides under this section; and
1399	(ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1400	Identification.
1401	(4) The department shall designate, on an individual's medical cannabis pharmacy agent
1402	registration card the name of the medical cannabis pharmacy where the individual is
1403	registered as an agent.
1404	(5) A medical cannabis pharmacy agent shall comply with a certification standard that the
1405	department develops in collaboration with the Division of Professional Licensing and
1406	the Board of Pharmacy, or a third-party certification standard that the department
1407	designates by rule, in collaboration with the Division of Professional Licensing and the
1408	Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
1409	Rulemaking Act.
1410	(6) The department shall ensure that the certification standard described in Subsection (5)
1411	includes training in:
1412	(a) Utah medical cannabis law; and
1413	(b) medical cannabis pharmacy best practices.
1414	(7) The department may revoke the medical cannabis pharmacy agent registration card of,
1415	or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1416	who:
1417	(a) violates the requirements of this chapter; or
1418	(b) is convicted under state or federal law of:
1419	(i) a felony within the preceding 10 years; or
1420	(ii) after December 3, 2018, a misdemeanor for drug distribution.
1421	(8) (a) A medical cannabis pharmacy agent registration card expires two years after the

1422	day on which the department issues or renews the card.
1423	(b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1424	agent:
1425	(i) is eligible for a medical cannabis pharmacy agent registration card under this
1426	section;
1427	(ii) certifies to the department in a renewal application that the information in
1428	Subsection (3)(a) is accurate or updates the information; and
1429	(iii) pays to the department a renewal fee in an amount that:
1430	(A) subject to Subsection 4-41a-104(5), the department sets in accordance with
1431	Section 63J-1-504; and
1432	(B) may not exceed the cost of the relatively lower administrative burden of
1433	renewal in comparison to the original application process.
1434	(9) (a) As a condition precedent to registration and renewal of a medical cannabis
1435	pharmacy agent registration card, a medical cannabis pharmacy agent shall:
1436	(i) complete at least one hour of continuing education regarding patient privacy and
1437	federal health information privacy laws that is offered by the department under
1438	Subsection (9)(b) or an accredited or approved continuing education provider that
1439	the department recognizes as offering continuing education appropriate for the
1440	medical cannabis pharmacy practice; and
1441	(ii) make a continuing education report to the department in accordance with a
1442	process that the department establishes by rule, in accordance with Title 63G,
1443	Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the
1444	Division of Professional Licensing and the Board of Pharmacy.
1445	(b) The department may, in consultation with the Division of Professional Licensing,
1446	develop the continuing education described in this Subsection (9).
1447	(c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each
1448	medical cannabis pharmacy agent working in the medical cannabis pharmacy who
1449	has access to the state electronic verification system is in compliance with this
1450	Subsection (9).
1451	(d) A medical cannabis pharmacy agent may not access the electronic verification
1452	system following the termination of the medical cannabis pharmacy agent's
1453	employment.
1454	(10) A medical cannabis pharmacy shall:
1455	(a) maintain a list of employees that have a medical cannabis pharmacy agent

1456	registration card; and
1457	(b) provide the list to the department upon request.
1458	Section 15. Section 4-41a-1202 is amended to read:
1459	4-41a-1202 . Home delivery of medical cannabis shipments Medical cannabis
1460	couriers License.
1461	(1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1462	Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1463	delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders
1464	that the state central patient portal facilitates, including rules regarding the safe and
1465	controlled delivery of medical cannabis shipments.
1466	(2) A person may not operate as a medical cannabis courier without a license that the
1467	department issues under this section.
1468	(3) (a) Subject to Subsections (5) and (6), the department shall issue a license to operate
1469	as a medical cannabis courier to an applicant who is eligible for a license under this
1470	section.
1471	(b) An applicant is eligible for a license under this section if the applicant submits to the
1472	department:
1473	(i) the name and address of an individual who:
1474	(A) has a financial or voting interest of 10% or greater in the proposed medical
1475	cannabis courier; or
1476	(B) has the power to direct or cause the management or control of a proposed
1477	cannabis production establishment;
1478	(ii) an operating plan that includes operating procedures to comply with the operating
1479	requirements for a medical cannabis courier described in this chapter; and
1480	(iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
1481	department sets in accordance with Section 63J-1-504.
1482	(4) If the department determines that an applicant is eligible for a license under this section,
1483	the department shall:
1484	(a) charge the applicant an initial license fee in an amount that, subject to Subsection
1485	4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
1486	(b) notify the Department of Public Safety of the license approval and the names of each
1487	individual described in Subsection (3)(b)(i).
1488	(5) The department may not issue a license to operate as a medical cannabis courier to an
1489	applicant if an individual described in Subsection (3)(b)(i):

1490	(a) has been convicted under state or federal law of:
1491	(i) a felony in the preceding 10 years; or
1492	(ii) after September 23, 2019, a misdemeanor for drug distribution; or
1493	(b) is younger than 21 years old.
1494	(6) The department may revoke a license under this part if:
1495	(a) the medical cannabis courier does not begin operations within one year after the day
1496	on which the department issues the initial license;
1497	(b) the medical cannabis courier makes the same violation of this chapter three times;
1498	(c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
1499	active, under state or federal law of:
1500	(i) a felony; or
1501	(ii) after September 23, 2019, a misdemeanor for drug distribution; or
1502	(d) after a change of ownership described in Subsection (15)(c), the department
1503	determines that the medical cannabis courier no longer meets the minimum standards
1504	for licensure and operation of the medical cannabis courier described in this chapter.
1505	(7) The department shall deposit the proceeds of a fee imposed by this section in the
1506	Qualified Production Enterprise Fund.
1507	(8) The department shall begin accepting applications under this section on or before July 1,
1508	2020.
1509	(9) The department's authority to issue a license under this section is plenary and is not
1510	subject to review.
1511	(10) Each applicant for a license as a medical cannabis courier shall submit, at the time of
1512	application, from each individual who has a financial or voting interest of 10% or
1513	greater in the applicant or who has the power to direct or cause the management or
1514	control of the applicant:
1515	(a) a fingerprint card in a form acceptable to the Department of Public Safety;
1516	(b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1517	registration of the individual's fingerprints in the Federal Bureau of Investigation
1518	Next Generation Identification System's Rap Back Service; and
1519	(c) consent to a fingerprint background check by:
1520	(i) the Bureau of Criminal Identification; and
1521	(ii) the Federal Bureau of Investigation.
1522	(11) The Bureau of Criminal Identification shall:
1523	(a) check the fingerprints the applicant submits under Subsection (10) against the

1524	applicable state, regional, and national criminal records databases, including the
1525	Federal Bureau of Investigation Next Generation Identification System;
1526	(b) report the results of the background check to the department;
1527	(c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
1528	for search by future submissions to the local and regional criminal records databases,
1529	including latent prints;
1530	(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1531	Generation Identification System's Rap Back Service for search by future
1532	submissions to national criminal records databases, including the Next Generation
1533	Identification System and latent prints; and
1534	(e) establish a privacy risk mitigation strategy to ensure that the department only
1535	receives notifications for an individual with whom the department maintains an
1536	authorizing relationship.
1537	(12) The department shall:
1538	(a) assess an individual who submits fingerprints under Subsection (10) a fee in an
1539	amount that the department sets in accordance with Section 63J-1-504 for the
1540	services that the Bureau of Criminal Identification or another authorized agency
1541	provides under this section; and
1542	(b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal Identification
1543	(13) The department shall renew a license under this section every year if, at the time of
1544	renewal:
1545	(a) the licensee meets the requirements of this section; and
1546	(b) the licensee pays the department a license renewal fee in an amount that, subject to
1547	Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
1548	(14) A person applying for a medical cannabis courier license shall submit to the
1549	department a proposed operating plan that complies with this section and that includes:
1550	(a) a description of the physical characteristics of any proposed facilities, including a
1551	floor plan and an architectural elevation, and delivery vehicles;
1552	(b) a description of the credentials and experience of each officer, director, or owner of
1553	the proposed medical cannabis courier;
1554	(c) the medical cannabis courier's employee training standards;
1555	(d) a security plan; and
1556	(e) storage and delivery protocols, both short and long term, to ensure that medical
1557	cannabis shipments are stored and delivered in a manner that is sanitary and

1558	preserves the integrity of the cannabis.
1559	(15) (a) A medical cannabis courier license is not transferrable or assignable.
1560	(b) A medical cannabis courier shall report in writing to the department no later than 10
1561	business days before the date of any change of ownership of the medical cannabis
1562	courier.
1563	(c) If the ownership of a medical cannabis courier changes by 50% or more:
1564	(i) concurrent with the report described in Subsection (15)(b), the medical cannabis
1565	courier shall submit a new application described in Subsection (3)(b);
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 courier for the remainder of the term
1569	of the medical cannabis courier's license before the ownership change if the
1570	medical cannabis courier meets the minimum standards for licensure and
1571	operation of the medical cannabis courier described in this chapter; and
1572	(iii) if the department approves the license application, notwithstanding Subsection
1573	(4), the medical cannabis courier shall pay a license fee that the department sets in
1574	accordance with Section 63J-1-504 in an amount that covers the board's cost of
1575	conducting the application review.
1576	(16) (a) Except as provided in Subsection(16)(b), a person may not advertise regarding
1577	the transportation of medical cannabis.
1578	(b) Notwithstanding Subsection (15)(a) and subject to Section 4-41a-109, a licensed
1579	home delivery medical cannabis pharmacy or a licensed medical cannabis courier
1580	may advertise:
1581	(i) a green cross;
1582	(ii) the pharmacy's or courier's name and logo; and
1583	(iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.
1584	Section 16. Section 26B-1-421 is amended to read:
1585	26B-1-421 . Compassionate Use Board.
1586	(1) The definitions in Section 26B-4-201 apply to this section.
1587	(2) (a) The department shall establish a Compassionate Use Board consisting of:
1588	(i) seven qualified medical providers that the executive director appoints [and the
1589	Senate confirms] with the advice and consent of the Senate:
1590	(A) who are knowledgeable about the medicinal use of cannabis;
1591	(B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice

1592	Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
1593	(C) who are board certified by the American Board of Medical Specialties or an
1594	American Osteopathic Association Specialty Certifying Board in the specialty
1595	of neurology, pain medicine and pain management, medical oncology,
1596	psychiatry, infectious disease, internal medicine, pediatrics, family medicine,
1597	or gastroenterology; and
1598	(ii) as a nonvoting member and the chair of the Compassionate Use Board, the
1599	executive director or the director's designee.
1600	(b) In appointing the seven qualified medical providers described in Subsection (2)(a),
1601	the executive director shall ensure that at least two have a board certification in
1602	pediatrics.
1603	(3) (a) Of the members of the Compassionate Use Board that the executive director first
1604	appoints:
1605	(i) three shall serve an initial term of two years; and
1606	(ii) the remaining members shall serve an initial term of four years.
1607	(b) After an initial term described in Subsection (3)(a) expires:
1608	(i) each term is four years; and
1609	(ii) each board member is eligible for reappointment.
1610	(c) A member of the Compassionate Use Board may serve until a successor is appointed.
1611	(d) Four members constitute a quorum of the Compassionate Use Board.
1612	(4) A member of the Compassionate Use Board may receive:
1613	(a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
1614	service; and
1615	(b) travel expenses in accordance with Section 63A-3-107 and rules made by the
1616	Division of Finance in accordance with Section 63A-3-107.
1617	(5) The Compassionate Use Board shall:
1618	(a) review and recommend for department approval a petition to the board regarding an
1619	individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection
1620	26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical
1621	cannabis card to obtain a medical cannabis card for compassionate use, for the
1622	standard or a reduced period of validity, if:
1623	(i) for an individual who is not otherwise qualified to receive a medical cannabis
1624	card, the individual's [qualified] recommending medical provider is actively
1625	treating the individual for an intractable [-]condition that:

1626	(A) substantially impairs the individual's quality of life; and
1627	(B) has not, in the [qualified] recommending medical provider's professional
1628	opinion, adequately responded to conventional treatments;
1629	(ii) the [qualified] recommending medical provider:
1630	(A) recommends that the individual or minor be allowed to use medical cannabis;
1631	and
1632	(B) provides a letter, relevant treatment history, and notes or copies of progress
1633	notes describing relevant treatment history including rationale for considering
1634	the use of medical cannabis; and
1635	(iii) the Compassionate Use Board determines that:
1636	(A) the recommendation of the individual's [qualified] recommending medical
1637	provider is justified; and
1638	(B) based on available information, it may be in the best interests of the individual
1639	to allow the use of medical cannabis;
1640	(b) when a [qualified] recommending medical provider recommends that an individual
1641	described in Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection
1642	26B-4-213(2)(c) be allowed to use a medical cannabis device or [medical cannabis
1643	product] medical cannabis to vaporize a medical cannabis treatment, review and
1644	approve or deny the use of the medical cannabis device or [medical cannabis product]
1645	medical cannabis;
1646	(c) unless no petitions are pending:
1647	(i) meet to receive or review compassionate use petitions at least quarterly; and
1648	(ii) if there are more petitions than the board can receive or review during the board's
1649	regular schedule, as often as necessary;
1650	(d) except as provided in Subsection (6), complete a review of each petition and
1651	recommend to the department approval or denial of the applicant for qualification for
1652	a medical cannabis card within 90 days after the day on which the board received the
1653	petition;
1654	(e) consult with the department regarding the criteria described in Subsection (6); and
1655	(f) report, before November 1 of each year, to the Health and Human Services Interim
1656	Committee and the Medical Cannabis Governance Structure Working Group:
1657	(i) the number of compassionate use recommendations the board issued during the
1658	past year; [and]
1659	(ii) the types of conditions for which the board recommended compassionate use[-];

1660	<u>and</u>
1661	(iii) the number of applications that are not completed.
1662	(6) The department shall make rules, in consultation with the Compassionate Use Board
1663	and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
1664	establish a process and criteria for a petition to the board to automatically qualify for
1665	expedited final review and approval or denial by the department in cases where, in the
1666	determination of the department and the board:
1667	(a) time is of the essence;
1668	(b) engaging the full review process would be unreasonable in light of the petitioner's
1669	physical condition; and
1670	(c) sufficient factors are present regarding the petitioner's safety.
1671	(7) (a) (i) The department shall review:
1672	(A) any compassionate use for which the Compassionate Use Board recommends
1673	approval under Subsection (5)(d) to determine whether the board properly
1674	exercised the board's discretion under this section; and
1675	(B) any expedited petitions the department receives under the process described in
1676	Subsection (6).
1677	(ii) If the department determines that the Compassionate Use Board properly
1678	exercised the board's discretion in recommending approval under Subsection
1679	(5)(d) or that the expedited petition merits approval based on the criteria
1680	established in accordance with Subsection (6), the department shall:
1681	(A) issue the relevant medical cannabis card; and
1682	(B) provide for the renewal of the medical cannabis card in accordance with the
1683	recommendation of the [qualified] recommending medical provider described
1684	in Subsection (5)(a).
1685	(b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),
1686	the individual seeking to obtain a medical cannabis card may petition the
1687	department to review the board's decision.
1688	(ii) If the department determines that the Compassionate Use Board's
1689	recommendation for denial under Subsection (5)(d) was arbitrary or capricious:
1690	(A) the department shall notify the Compassionate Use Board of the department's
1691	determination; and
1692	(B) the board shall reconsider the Compassionate Use Board's refusal to
1693	recommend approval under this section.

1694	(c) In reviewing the Compassionate Use Board's recommendation for approval or denial
1695	under Subsection (5)(d) in accordance with this Subsection (7), the department shall
1696	presume the board properly exercised the board's discretion unless the department
1697	determines that the board's recommendation was arbitrary or capricious.
1698	(8) Any individually identifiable health information contained in a petition that the
1699	Compassionate Use Board or department receives under this section is a protected
1700	record in accordance with Title 63G, Chapter 2, Government Records Access and
1701	Management Act.
1702	(9) The Compassionate Use Board shall annually report the board's activity to the Cannabis
1703	Research Review Board and the advisory board.
1704	The following section is affected by a coordination clause at the end of this bill.
1705	Section 17. Section 26B-4-201 is amended to read:
1706	26B-4-201 . Definitions.
1707	As used in this part:
1708	(1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1709	tetrahydrocannabinolic acid.
1710	(2) "Administration of criminal justice" means the performance of detection, apprehension,
1711	detention, pretrial release, post-trial release, prosecution, and adjudication.
1712	[(2)] (3) "Advertise" or "advertising" means information provided by a medical cannabis
1713	pharmacy in any medium:
1714	(a) to the public; and
1715	(b) that is not age restricted to an individual who is at least 21 years old.
1716	[(3)] (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1717	Section 26B-1-435.
1718	[(4)] (5) "[-]Cannabis Research Review Board" means the Cannabis Research Review Board
1719	created in Section 26B-1-420.
1720	[(5)] (6) "Cannabis" means marijuana.
1721	[(6)] (7) "Cannabis cultivation facility" means the same as that term is defined in Section
1722	4-41a-102.
1723	[(7)] (8) "Cannabis processing facility" means the same as that term is defined in Section
1724	4-41a-102.
1725	[(8)] (9) "Cannabis product" means a product that:
1726	(a) is intended for human use; and

(b) contains cannabis or any tetrahydrocannabinol or THC analog in a total

1727

1728	concentration of 0.3% or greater on a dry weight basis.
1729	[(9)] (10) "Cannabis production establishment" means the same as that term is defined in
1730	Section 4-41a-102.
1731	[(10)] (11) "Cannabis production establishment agent" means the same as that term is
1732	defined in Section 4-41a-102.
1733	[(11)] (12) "Cannabis production establishment agent registration card" means the same as
1734	that term is defined in Section 4-41a-102.
1735	[(12)] (13) "Community location" means a public or private elementary or secondary school,
1736	a church, a public library, a public playground, or a public park.
1737	[(13)] (14) "Conditional medical cannabis card" means an electronic medical cannabis card
1738	that the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1739	applicant for a medical cannabis card to access medical cannabis during the department's
1740	review of the application.
1741	[(14)] (15) "Controlled substance database" means the controlled substance database created
1742	in Section 58-37f-201.
1743	[(15)] (16) "Delivery address" means[:] the same as that term is defined in Section 4-41a-102.
1744	[(a) for a medical cannabis cardholder who is not a facility, the medical cannabis
1745	cardholder's home address; or]
1746	[(b) for a medical cannabis cardholder that is a facility, the facility's address.]
1747	[(16)] (17) "Department" means the Department of Health and Human Services.
1748	[(17)] (18) "Designated caregiver" means:
1749	(a) an individual:
1750	(i) whom an individual with a medical cannabis patient card or a medical cannabis
1751	guardian card designates as the patient's caregiver; and
1752	(ii) who registers with the department under Section 26B-4-214; or
1753	(b) (i) a facility that an individual designates as a designated caregiver in accordance
1754	with Subsection 26B-4-214(1)(b); or
1755	(ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
1756	[(18)] (19) "Directions of use" means recommended routes of administration for a medical
1757	cannabis treatment and suggested usage guidelines.
1758	[(19)] (20) "Dosing guidelines" means a quantity range and frequency of administration for
1759	a recommended treatment of medical cannabis.
1760	[(20)] (21) "Financial institution" means a bank, trust company, savings institution, or credit
1761	union, chartered and supervised under state or federal law.

1762	[(21)] (22) "Government issued photo identification" means any of the following forms of
1763	identification:
1764	(a) a valid state-issued driver license or identification card;
1765	(b) a valid United States federal-issued photo identification, including:
1766	(i) a United States passport;
1767	(ii) a United States passport card;
1768	(iii) a United States military identification card; or
1769	(iv) a permanent resident card or alien registration receipt card; or
1770	(c) a foreign passport.
1771	[(22)] (23) "Home delivery medical cannabis pharmacy" means a medical cannabis
1772	pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
1773	medical cannabis shipments to a delivery address to fulfill electronic orders that the state
1774	central patient portal facilitates.
1775	[(23)] (24) "Inventory control system" means the system described in Section 4-41a-103.
1776	[(24)] (25) "Legal dosage limit" means an amount that:
1777	(a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
1778	relevant recommending medical provider or the state central patient portal or
1779	pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
1780	recommends; and
1781	(b) may not exceed:
1782	(i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
1783	(ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
1784	total, greater than 20 grams of active tetrahydrocannabinol.
1785	[(25)] (26) "Legal use termination date" means a date on the label of a container of
1786	unprocessed cannabis flower:
1787	(a) that is 60 days after the date of purchase of the cannabis; and
1788	(b) after which, the cannabis is no longer in a medicinal dosage form outside of the
1789	primary residence of the relevant medical cannabis patient cardholder.
1790	[(26)] (27) "Limited medical provider" means an individual who:
1791	(a) meets the recommending qualifications; and
1792	(b) has no more than 15 patients with a valid medical cannabis patient card or
1793	provisional patient card as a result of the individual's recommendation, in accordance
1794	with Subsection 26B-4-204(1)(b).
1795	[(27)] (28) "Marijuana" means the same as that term is defined in Section 58-37-2.

1796	[(28)] (29) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
1797	product in a medicinal dosage form.
1798	[(29)] (30) "Medical cannabis card" means a medical cannabis patient card, a medical
1799	cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
1800	cannabis card.
1801	[(30)] (31) "Medical cannabis cardholder" means:
1802	(a) a holder of a medical cannabis card; or
1803	(b) a facility or assigned employee, described in [Subsection(17)(b)] Subsection (18)(b),
1804	only:
1805	(i) within the scope of the facility's or assigned employee's performance of the role of
1806	a medical cannabis patient cardholder's caregiver designation under Subsection
1807	26B-4-214(1)(b); and
1808	(ii) while in possession of documentation that establishes:
1809	(A) a caregiver designation described in Subsection 26B-4-214(1)(b);
1810	(B) the identity of the individual presenting the documentation; and
1811	(C) the relation of the individual presenting the documentation to the caregiver
1812	designation.
1813	[(31)] (32) "Medical cannabis caregiver card" means an electronic document that a
1814	cardholder may print or store on an electronic device or a physical card or document that:
1815	(a) the department issues to an individual whom a medical cannabis patient cardholder
1816	or a medical cannabis guardian cardholder designates as a designated caregiver; and
1817	(b) is connected to the electronic verification system.
1818	[(32)] (33) "Medical cannabis courier" means the same as that term is defined in Section
1819	4-41a-102.
1820	[(33)] (34) "Medical cannabis courier agent" means the same as that term is defined in
1821	Section 4-41a-102.
1822	[(34)] (35) (a) "Medical cannabis device" means a device that an individual uses to ingest
1823	or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
1824	dosage form.
1825	(b) "Medical cannabis device" does not include a device that:
1826	(i) facilitates cannabis combustion; or
1827	(ii) an individual uses to ingest substances other than cannabis.
1828	[(35)] (36) "Medical cannabis guardian card" means an electronic document that a
1829	cardholder may print or store on an electronic device or a physical card or document that:

1830	(a) the department issues to the parent or legal guardian of a minor with a qualifying
1831	condition; and
1832	(b) is connected to the electronic verification system.
1833	[(36)] (37) "Medical cannabis patient card" means an electronic document that a cardholder
1834	may print or store on an electronic device or a physical card or document that:
1835	(a) the department issues to an individual with a qualifying condition; and
1836	(b) is connected to the electronic verification system.
1837	[(37)] (38) "Medical cannabis pharmacy" means a person that:
1838	(a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
1839	medicinal dosage form from a cannabis processing facility or another medical
1840	cannabis pharmacy or a medical cannabis device; or
1841	(ii) possesses medical cannabis or a medical cannabis device; and
1842	(b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1843	cannabis cardholder.
1844	[(38)] (39) "Medical cannabis pharmacy agent" means an individual who holds a valid
1845	medical cannabis pharmacy agent registration card issued by the department.
1846	[(39)] (40) "Medical cannabis pharmacy agent registration card" means a registration card
1847	issued by the department that authorizes an individual to act as a medical cannabis
1848	pharmacy agent.
1849	[(40)] (41) "Medical cannabis shipment" means the same as that term is defined in Section
1850	4-41a-102.
1851	[(41)] (42) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
1852	cannabis product in a medicinal dosage form, or a medical cannabis device.
1853	[(42)] (43) (a) "Medicinal dosage form" means:
1854	(i) for processed medical cannabis[-or a medical cannabis product], the following
1855	with a specific and consistent cannabinoid content:
1856	(A) a tablet;
1857	(B) a capsule;
1858	(C) a concentrated liquid or viscous oil;
1859	(D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;
1860	(E) a topical preparation;
1861	(F) a transdermal preparation;
1862	(G) a sublingual preparation;
1863	(H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

1864	rectangular cuboid shape;
1865	(I) a resin or wax; [or]
1866	(J) an aerosol; [or]
1867	(K) a suppository preparation; or
1868	(L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1869	spherical shape, is homogeneous in color and texture, and each piece is a single
1870	serving; or
1871	(ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
1872	(A) contains cannabis flowers in a quantity that varies by no more than 10% from
1873	the stated weight at the time of packaging;
1874	(B) at any time the medical cannabis cardholder transports or possesses the
1875	container in public, is contained within an opaque bag or box that the medical
1876	cannabis pharmacy provides; and
1877	(C) is labeled with the container's content and weight, the date of purchase, the
1878	legal use termination date, and after December 31, 2020, a barcode that
1879	provides information connected to an inventory control system.
1880	(b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
1881	(i) the medical cannabis cardholder has recently removed from the container
1882	described in Subsection $[(42)(a)(ii)]$ $(43)(a)(ii)$ for use; and
1883	(ii) does not exceed the quantity described in Subsection [(42)(a)(ii)] (43)(a)(ii).
1884	(c) "Medicinal dosage form" does not include:
1885	(i) any unprocessed cannabis flower outside of the container described in Subsection [
1886	$\frac{(42)(a)(ii)}{(43)(a)(ii)}$ , except as provided in Subsection $\frac{(42)(b)}{(43)(b)}$ ;
1887	(ii) any unprocessed cannabis flower in a container described in Subsection [
1888	$\frac{(42)(a)(ii)}{a}$ after the legal use termination date;
1889	(iii) a process of vaporizing and inhaling concentrated cannabis by placing the
1890	cannabis on a nail or other metal object that is heated by a flame, including a
1891	blowtorch;
1892	(iv) a liquid suspension that is branded as a beverage[-]; [or]
1893	(v) a substance described in Subsection $[\frac{(42)(a)(i)}{2}]$ $(\underline{43})(\underline{a})(\underline{i})$ or (ii) if the substance is
1894	not measured in grams, milligrams, or milliliters[-] ; or
1895	(vi) a substance that contains or is covered to any degree with chocolate.
1896	[ <del>(43)</del> ] (44) "Nonresident patient" means an individual who:
1897	(a) is not a resident of Utah or has been a resident of Utah for less than 45 days:

1898	(b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
1899	card under the laws of another state, district, territory, commonwealth, or insular
1900	possession of the United States; and
1901	(c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
1902	[(44)] (45) "Payment provider" means an entity that contracts with a cannabis production
1903	establishment or medical cannabis pharmacy to facilitate transfers of funds between the
1904	establishment or pharmacy and other businesses or individuals.
1905	[(45)] (46) "Pharmacy medical provider" means the medical provider required to be on site
1906	at a medical cannabis pharmacy under Section 26B-4-219.
1907	[(46)] (47) "Provisional patient card" means a card that:
1908	(a) the department issues to a minor with a qualifying condition for whom:
1909	(i) a recommending medical provider has recommended a medical cannabis
1910	treatment; and
1911	(ii) the department issues a medical cannabis guardian card to the minor's parent or
1912	legal guardian; and
1913	(b) is connected to the electronic verification system.
1914	[(47)] (48) "Qualified medical provider" means an individual:
1915	(a) who meets the recommending qualifications; and
1916	(b) whom the department registers to recommend treatment with cannabis in a medicinal
1917	dosage form under Section 26B-4-204.
1918	[(48)] (49) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
1919	26B-1-310.
1920	[(49)] (50) "Qualifying condition" means a condition described in Section 26B-4-203.
1921	[(50)] (51) "Recommend" or "recommendation" means, for a recommending medical
1922	provider, the act of suggesting the use of medical cannabis treatment, which:
1923	(a) certifies the patient's eligibility for a medical cannabis card; and
1924	(b) may include, at the recommending medical provider's discretion, directions of use,
1925	with or without dosing guidelines.
1926	[(51)] (52) "Recommending medical provider" means a qualified medical provider or a
1927	limited medical provider.
1928	[(52)] (53) "Recommending qualifications" means that an individual:
1929	(a) (i) has the authority to write a prescription;
1930	(ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1931	Controlled Substances Act; and

1932	(iii) possesses the authority, in accordance with the individual's scope of practice, to
1933	prescribe a Schedule II controlled substance; and
1934	(b) is licensed as:
1935	(i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1936	(ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1937	Act;
1938	(iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1939	Chapter 68, Utah Osteopathic Medical Practice Act; or
1940	(iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
1941	[(53)] (54) "State central patient portal" means the website the department creates, in
1942	accordance with Section 26B-4-236, to facilitate patient safety, education, and an
1943	electronic medical cannabis order.
1944	[(54)] (55) "State electronic verification system" means the system described in Section
1945	26B-4-202.
1946	[(55)] (56) "Targeted marketing" means [the promotion by a medical cannabis pharmacy of
1947	a medical cannabis product, medical cannabis brand, or a medical cannabis device using
1948	any of the following methods:] the promotion by a qualified medical provider, medical
1949	clinic, or medical office that employs a qualified medical provider of a medical cannabis
1950	recommendation service using any of the following methods:
1951	[(a) electronic communication to an individual who is at least 21 years old and has
1952	requested to receive promotional information from the medical cannabis pharmacy;]
1953	[(b) an in-person marketing event that is:]
1954	[(i) held inside a medical cannabis pharmacy; and]
1955	[(ii) in an area where only a medical cannabis cardholder may access the event; or]
1956	[(c) other marketing material that is physically available or digitally displayed in:]
1957	[(i) a medical cannabis pharmacy; and]
1958	[(ii) an area where only a medical cannabis cardholder has access]
1959	(a) electronic communication to an individual who is at least 21 years old and has
1960	requested to receive promotional information;
1961	(b) an in-person marketing event that is held in an area where only an individual who is
1962	at least 21 years old may access the event;
1963	(c) other marketing material that is physically or digitally displayed in the office of the
1964	medical clinic or office that employs a qualified medical provider; or
1965	(d) a leaflet that a qualified medical provider, medical clinic, or medical office that

1966	employs a qualified medical provider shares with an individual who is at least 21
1967	years old.
1968	[(56)] (57) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
1969	synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
1970	[(57)] (58) "THC analog" means the same as that term is defined in Section 4-41-102.
1971	Section 18. Section 26B-4-202 is amended to read:
1972	26B-4-202 . Electronic verification system.
1973	(1) The Department of Agriculture and Food, the department, the Department of Public
1974	Safety, and the Division of Technology Services shall:
1975	(a) enter into a memorandum of understanding in order to determine the function and
1976	operation of the state electronic verification system in accordance with Subsection
1977	(2);
1978	(b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1979	Procurement Code, to develop a request for proposals for a third-party provider to
1980	develop and maintain the state electronic verification system in coordination with the
1981	Division of Technology Services; and
1982	(c) select a third-party provider who:
1983	(i) meets the requirements contained in the request for proposals issued under
1984	Subsection (1)(b); and
1985	(ii) may not have any commercial or ownership interest in a cannabis production
1986	establishment or a medical cannabis pharmacy.
1987	(2) The Department of Agriculture and Food, the department, the Department of Public
1988	Safety, and the Division of Technology Services shall ensure that the state electronic
1989	verification system described in Subsection (1):
1990	(a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1991	medical cannabis guardian card, provided that the card may not become active until:
1992	(i) the relevant qualified medical provider completes the associated medical cannabis
1993	recommendation; or
1994	(ii) for a medical cannabis card related to a limited medical provider's
1995	recommendation, the medical cannabis pharmacy completes the recording
1996	described in Subsection (2)(d);
1997	(b) allows an individual to apply to renew a medical cannabis patient card or a medical
1998	cannabis guardian card in accordance with Section 26B-4-213;
1999	(c) allows a qualified medical provider, or an employee described in Subsection (3)

2000	acting on behalf of the qualified medical provider, to:
2001	(i) access dispensing and card status information regarding a patient:
2002	(A) with whom the qualified medical provider has a provider-patient relationship;
2003	and
2004	(B) for whom the qualified medical provider has recommended or is considering
2005	recommending a medical cannabis card;
2006	(ii) electronically recommendtreatment with cannabis in a medicinal dosage form or a
2007	cannabis product in a medicinal dosage form and optionally recommend dosing
2008	guidelines;
2009	(iii) electronically renew a recommendation to a medical cannabis patient cardholder
2010	or medical cannabis guardian cardholder:
2011	(A) using telehealth services, for the qualified medical provider who originally
2012	recommended a medical cannabis treatment during a face-to-face visit with the
2013	patient; or
2014	(B) during a face-to-face visit with the patient, for a qualified medical provider
2015	who did not originally recommend the medical cannabis treatment during a
2016	face-to-face visit; and
2017	(iv) submit an initial application, renewal application, or application payment on
2018	behalf of an individual applying for any of the following:
2019	(A) a medical cannabis patient card;
2020	(B) a medical cannabis guardian card; or
2021	(C) a medical cannabis caregiver card;
2022	(d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
2023	agent, in accordance with Subsection 4-41a-1101(10)(a), to:
2024	(i) access the electronic verification system to review the history within the system of
2025	a patient with whom the provider or agent is interacting, limited to read-only
2026	access for medical cannabis pharmacy agents unless the medical cannabis
2027	pharmacy's pharmacist in charge authorizes add and edit access;
2028	(ii) record a patient's recommendation from a limited medical provider, including any
2029	directions of use, dosing guidelines, or caregiver indications from the limited
2030	medical provider;
2031	(iii) record a limited medical provider's renewal of the provider's previous
2032	recommendation; and
2033	(iv) submit an initial application, renewal application, or application payment on

2034	behalf of an individual applying for any of the following:
2035	(A) a medical cannabis patient card;
2036	(B) a medical cannabis guardian card; or
2037	(C) a medical cannabis caregiver card;
2038	(e) connects with:
2039	(i) an inventory control system that a medical cannabis pharmacy uses to track in real
2040	time and archive purchases of any cannabis in a medicinal dosage form, cannabis
2041	product in a medicinal dosage form, or a medical cannabis device, including:
2042	(A) the time and date of each purchase;
2043	(B) the quantity and type of cannabis, cannabis product, or medical cannabis
2044	device purchased;
2045	(C) any cannabis production establishment, any medical cannabis pharmacy, or
2046	any medical cannabis courier associated with the cannabis, cannabis product,
2047	or medical cannabis device; and
2048	(D) the personally identifiable information of the medical cannabis cardholder
2049	who made the purchase; and
2050	(ii) any commercially available inventory control system that a cannabis production
2051	establishment utilizes in accordance with Section 4-41a-103 to use data that the
2052	Department of Agriculture and Food requires by rule, in accordance with Title
2053	63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
2054	tracking system that a licensee uses to track and confirm compliance;
2055	(f) provides access to:
2056	(i) the department to the extent necessary to carry out the department's functions and
2057	responsibilities under this part;
2058	(ii) the Department of Agriculture and Food to the extent necessary to carry out the
2059	functions and responsibilities of the Department of Agriculture and Food under
2060	Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
2061	(iii) the Division of Professional Licensing to the extent necessary to carry out the
2062	functions and responsibilities related to the participation of the following in the
2063	recommendation and dispensing of medical cannabis:
2064	(A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
2065	Act;
2066	(B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
2067	(C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,

2068	Nurse Practice Act;
2069	(D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2070	Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
2071	(E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2072	Assistant Act;
2073	(g) provides access to and interaction with the state central patient portal;
2074	(h) communicates dispensing information from a record that a medical cannabis
2075	pharmacy submits to the state electronic verification system under Subsection
2076	4-41a-1102(3)(a)(ii) to the controlled substance database;
2077	(i) provides access to state or local law enforcement[:] only to verify the validity of an
2078	individual's medical cannabis card for the administration of criminal justice and
2079	through a database used by law enforcement; and
2080	[(i) during a law enforcement encounter, without a warrant, using the individual's
2081	driver license or state ID, only for the purpose of determining if the individual
2082	subject to the law enforcement encounter has a valid medical cannabis card; or]
2083	[(ii) after obtaining a warrant; and]
2084	(j) creates a record each time a person accesses the system that identifies the person who
2085	accesses the system and the individual whose records the person accesses.
2086	(3) (a) An employee of a qualified medical provider may access the electronic
2087	verification system for a purpose described in Subsection (2)(c) on behalf of the
2088	qualified medical provider if:
2089	(i) the qualified medical provider has designated the employee as an individual
2090	authorized to access the electronic verification system on behalf of the qualified
2091	medical provider;
2092	(ii) the qualified medical provider provides written notice to the department of the
2093	employee's identity and the designation described in Subsection (3)(a)(i); and
2094	(iii) the department grants to the employee access to the electronic verification
2095	system.
2096	(b) An employee of a business that employs a qualified medical provider may access the
2097	electronic verification system for a purpose described in Subsection (2)(c) on behalf
2098	of the qualified medical provider if:
2099	(i) the qualified medical provider has designated the employee as an individual
2100	authorized to access the electronic verification system on behalf of the qualified
2101	medical provider;

2102		(ii) the qualified medical provider and the employing business jointly provide written
2103		notice to the department of the employee's identity and the designation described
2104		in Subsection (3)(b)(i); and
2105		(iii) the department grants to the employee access to the electronic verification
2106		system.
2107	(4)	(a) As used in this Subsection (4), "prescribing provider" means:
2108		(i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act
2109		(ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2110		Practice Act;
2111		(iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2112		Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
2113		(iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2114		Assistant Act.
2115		(b) A prescribing provider may access information in the electronic verification system
2116		regarding a patient the prescribing provider treats.
2117	(5)	The department may release limited data that the system collects for the purpose of:
2118		(a) conducting medical and other department approved research;
2119		(b) providing the report required by Section 26B-4-222; and
2120		(c) other official department purposes.
2121	(6)	The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2122		Administrative Rulemaking Act, to establish:
2123		(a) the limitations on access to the data in the state electronic verification system as
2124		described in this section; and
2125		(b) standards and procedures to ensure accurate identification of an individual requesting
2126		information or receiving information in this section.
2127	(7)	[(a) Any person who knowingly and intentionally releases any information in the
2128		state electronic verification system in violation of this section is guilty of a third
2129		degree felony. (b)] Any person who negligently or recklessly releases any information in
2130		the state electronic verification system in violation of this section is guilty of a class
2131		C misdemeanor.
2132	(8)	[(a)] Any person who obtains or attempts to obtain information from the state
2133		electronic verification system by misrepresentation or fraud is guilty of a third degree
2134		felony.
2135		[(b) Any person who obtains or attempts to obtain information from the state electronic

2136	verification system for a purpose other than a purpose this part authorizes is guilty of
2137	a third degree felony.]
2138	(9) (a) Except as provided in [Subsection] Subsections (9)(c) and (9)(e), a person may
2139	not knowingly and intentionally use, release, publish, or otherwise make available to
2140	any other person information obtained from the state electronic verification system
2141	for any purpose other than a purpose specified in this section.
2142	(b) Each separate violation of this Subsection (9) is:
2143	(i) a third degree felony; and
2144	(ii) subject to a civil penalty not to exceed \$5,000.
2145	(c) A law enforcement officer who uses the database used by law enforcement to access
2146	information in the electronic verification system for a reason that is not the
2147	administration of criminal justice is guilty of a class B misdemeanor.
2148	[(e)] (d) The department shall determine a civil violation of this Subsection (9) in
2149	accordance with Title 63G, Chapter 4, Administrative Procedures Act.
2150	[(d)] (e) Civil penalties assessed under this Subsection (9) shall be deposited into the
2151	General Fund.
2152	[(e)] (f) This Subsection (9) does not prohibit a person who obtains information from the
2153	state electronic verification system under Subsection (2)(a), (c), or (f) from:
2154	(i) including the information in the person's medical chart or file for access by a
2155	person authorized to review the medical chart or file;
2156	(ii) providing the information to a person in accordance with the requirements of the
2157	Health Insurance Portability and Accountability Act of 1996; or
2158	(iii) discussing or sharing that information about the patient with the patient.
2159	Section 19. Section 26B-4-204 is amended to read:
2160	26B-4-204 . Qualified medical provider registration Continuing education
2161	Treatment recommendation Limited medical provider.
2162	(1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend
2163	a medical cannabis treatment unless the department registers the individual as a
2164	qualified medical provider in accordance with this section.
2165	(ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is
2166	podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
2167	may not recommend a medical cannabis treatment except within the course and
2168	scope of a practice of podiatry, as that term is defined in Section 58-5a-102.
2169	(b) An individual who meets the recommending qualifications may recommend a

21/0	medical cannabis treatment as a limited medical provider without registering under
2171	Subsection (1)(a) if:
2172	(i) the individual recommends the use of medical cannabis to the patient through an
2173	order described in Subsection (1)(c) after:
2174	(A) a face-to-face visit for an initial recommendation or the renewal of a
2175	recommendation for a patient for whom the limited medical provider did not
2176	make the patient's original recommendation; or
2177	(B) a visit using telehealth services for a renewal of a recommendation for a
2178	patient for whom the limited medical provider made the patient's original
2179	recommendation; and
2180	(ii) the individual's recommendation or renewal would not cause the total number of
2181	the individual's patients who have a valid medical cannabis patient card or
2182	provisional patient card resulting from the individual's recommendation to exceed
2183	15.
2184	(c) The individual described in Subsection (1)(b) shall communicate the individual's
2185	recommendation through an order for the medical cannabis pharmacy to record the
2186	individual's recommendation or renewal in the state electronic verification system
2187	under the individual's recommendation that:
2188	(i) (A) the individual or the individual's employee sends electronically to a
2189	medical cannabis pharmacy; or
2190	(B) the individual gives to the patient in writing for the patient to deliver to a
2191	medical cannabis pharmacy; and
2192	(ii) may include:
2193	(A) directions of use or dosing guidelines; and
2194	(B) an indication of a need for a caregiver in accordance with Subsection
2195	26B-4-213(3)(c).
2196	(d) If the limited medical provider gives the patient a written recommendation to deliver
2197	to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
2198	provider shall ensure that the document includes all of the information that is
2199	included on a prescription the provider would issue for a controlled substance,
2200	including:
2201	(i) the date of issuance;
2202	(ii) the provider's name, address and contact information, controlled substance license
2203	information, and signature; and

2204	(iii) the patient's name, address and contact information, age, and diagnosed
2205	qualifying condition.
2206	(e) In considering making a recommendation as a limited medical provider, an
2207	individual may consult information that the department makes available on the
2208	department's website for recommending providers.
2209	(2) (a) The department shall, within 15 days after the day on which the department
2210	receives an application from an individual, register and issue a qualified medical
2211	provider registration card to the individual if the individual:
2212	(i) provides to the department the individual's name and address;
2213	(ii) provides to the department an acknowledgment that the individual has completed
2214	four hours of continuing education related to medical cannabis;
2215	(iii) provides to the department evidence that the individual meets the recommending
2216	qualifications;
2217	(iv) for an applicant on or after November 1, 2021, provides to the department the
2218	information described in Subsection (10)(a); and
2219	(v) pays the department a fee in an amount that:
2220	(A) the department sets, in accordance with Section 63J-1-504; and
2221	(B) does not exceed \$300 for an initial registration.
2222	(b) The department may not register an individual as a qualified medical provider if the
2223	individual is:
2224	(i) a pharmacy medical provider; or
2225	(ii) an owner, officer, director, board member, employee, or agent of a cannabis
2226	production establishment, a medical cannabis pharmacy, or a medical cannabis
2227	courier.
2228	(3) (a) An individual shall complete the continuing education related to medical
2229	cannabis in the following amounts:
2230	(i) for an individual as a condition precedent to registration, four hours; and
2231	(ii) for a qualified medical provider as a condition precedent to renewal, four hours
2232	every two years.
2233	(b) The department may, in consultation with the Division of Professional Licensing,
2234	develop continuing education related to medical cannabis.
2235	(c) The continuing education described in this Subsection (3) may discuss:
2236	(i) the provisions of this part;
2237	(ii) general information about medical cannabis under federal and state law:

2238	(iii) the latest scientific research on the endocannabinoid system and medical
2239	cannabis, including risks and benefits;
2240	(iv) recommendations for medical cannabis as it relates to the continuing care of a
2241	patient in pain management, risk management, potential addiction, or palliative
2242	care; and
2243	(v) best practices for recommending the form and dosage of [medical cannabis
2244	products] medical cannabis based on the qualifying condition underlying a medical
2245	cannabis recommendation.
2246	(4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
2247	recommend a medical cannabis treatment to more than 1.5% of the total amount of
2248	medical cannabis patient cardholders.
2249	(b) If a qualified medical provider receives payment from an insurance plan for services
2250	provided under this chapter, then the patient whose insurance plan was billed does
2251	not count toward the 1.5% patient cap described in Subsection (4)(a).
2252	(5) A recommending medical provider may recommend medical cannabis to an individual
2253	under this part only in the course of a provider-patient relationship after the
2254	recommending medical provider has completed and documented in the patient's medical
2255	record a thorough assessment of the patient's condition and medical history based on the
2256	appropriate standard of care for the patient's condition.
2257	(6) (a) Except as provided in [Subsection] Subsections (6)(b) and (c), a person may not
2258	advertise that the person or the person's employee recommends a medical cannabis
2259	treatment.
2260	(b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical
2261	provider[-or-clinic-or], medical clinic, or medical office that employs a qualified
2262	medical provider may advertise <u>only</u> the following:
2263	(i) a green cross;
2264	(ii) the provider's or clinic's name and logo;
2265	(iii) a qualifying condition that the individual treats;
2266	(iv) [that the individual is registered as a qualified medical provider and recommends
2267	medical cannabis; or] that the qualified medical provider, medical clinic, or
2268	medical office evaluates patients for medical cannabis recommendations;
2269	(v) a scientific study regarding medical cannabis use[-] ; or
2270	(vi) contact information.
2271	(c) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical

2272	provider, medical clinic, or medical office that employs a qualified medical provider
2273	may engage in targeted marketing, as determined by the department through rule, for
2274	advertising medical cannabis recommendation services.
2275	(7) (a) A qualified medical provider registration card expires two years after the day on
2276	which the department issues the card.
2277	(b) The department shall renew a qualified medical provider's registration card if the
2278	provider:
2279	(i) applies for renewal;
2280	(ii) is eligible for a qualified medical provider registration card under this section,
2281	including maintaining an unrestricted license under the recommending
2282	qualifications;
2283	(iii) certifies to the department in a renewal application that the information in
2284	Subsection (2)(a) is accurate or updates the information;
2285	(iv) submits a report detailing the completion of the continuing education
2286	requirement described in Subsection (3); and
2287	(v) pays the department a fee in an amount that:
2288	(A) the department sets, in accordance with Section 63J-1-504; and
2289	(B) does not exceed \$50 for a registration renewal.
2290	(8) The department may revoke the registration of a qualified medical provider who fails to
2291	maintain compliance with the requirements of this section.
2292	(9) A recommending medical provider may not:
2293	(a) receive any compensation or benefit for the qualified medical provider's medical
2294	cannabis treatment recommendation from:
2295	[(a)] (i) a cannabis production establishment or an owner, officer, director, board
2296	member, employee, or agent of a cannabis production establishment;
2297	[(b)] (ii) a medical cannabis pharmacy or an owner, officer, director, board member
2298	employee, or agent of a medical cannabis pharmacy; or
2299	[(e)] (iii) a recommending medical provider or pharmacy medical provider[-]; or
2300	(b) provide a medical cannabis recommendation at a medical clinic or medical office
2301	that is violating the advertising limitations described in Subsection (6).
2302	(10) (a) [On or before November 1, 2021,] Each quarter, a qualified medical provider
2303	shall report to the department, in a manner designated by the department:
2304	(i) if applicable, that the qualified medical provider or the entity that employs the
2305	qualified medical provider represents online or on printed material that the

2306	qualified medical provider is a qualified medical provider or offers medical
2307	cannabis recommendations to patients; and
2308	(ii) (A) for cash payment without insurance, the fee amount that the qualified
2309	medical provider or the entity that employs the qualified medical provider
2310	charges a patient for a medical cannabis recommendation[, either] as an actual
2311	cash rate [or, if the provider or entity bills insurance, an average cash rate.]; and
2312	(B) whether the qualified medical provider or the entity that employs the qualified
2313	medical provider bills insurance.
2314	(b) The department shall:
2315	(i) ensure that the following information related to qualified medical providers and
2316	entities described in Subsection (10)(a)(i) is available on the department's website
2317	or on the health care price transparency tool under Subsection (10)(b)(ii):
2318	(A) the name of the qualified medical provider and, if applicable, the name of the
2319	entity that employs the qualified medical provider;
2320	(B) the address of the qualified medical provider's office or, if applicable, the
2321	entity that employs the qualified medical provider; and
2322	(C) the fee amount described in Subsection (10)(a)(ii)(A); and
2323	(ii) share data collected under this Subsection (10) with the state auditor for use in the
2324	health care price transparency tool described in Section 67-3-11.
2325	Section 20. Section <b>26B-4-207</b> is amended to read:
2326	26B-4-207 . Nondiscrimination for medical care or government employment
2327	Notice to prospective and current public employees No effect on private
2328	employers.
2329	(1) For purposes of medical care, including an organ or tissue transplant, a patient's use, in
2330	accordance with this part, of cannabis in a medicinal dosage form or a cannabis product
2331	in a medicinal dosage form:
2332	(a) is considered the equivalent of the authorized use of any other medication used at the
2333	discretion of a physician; and
2334	(b) does not constitute the use of an illicit substance or otherwise disqualify an
2335	individual from needed medical care.
2336	[(2) (a) Notwithstanding any other provision of law and except as provided in Subsection
2337	(2)(b), the state or any political subdivision shall treat:]
2338	[(i) an employee's use of medical cannabis in accordance with this part or Section
2339	58-37-3.7 in the same way the state or political subdivision treats employee use of any

2340	prescribed controlled substance; and]
2341	[(ii) an employee's status as a medical cannabis cardholder or an employee's medical
2342	cannabis recommendation from a qualified medical provider or limited provider in the
2343	same way the state or political subdivision treats an employee's prescriptions for any
2344	prescribed controlled substance.]
2345	[(b) A state or political subdivision employee who has a valid medical cannabis card is not
2346	subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a
2347	drug test due to marijuana or tetrahydrocannabinol without evidence that the employee
2348	was impaired or otherwise adversely affected in the employee's job performance due to
2349	the use of medical cannabis.]
2350	[(e) Subsections (2)(a) and (b) do not apply:]
2351	[(i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a
2352	federal security clearance, or any other federal background determination required for
2353	the employee's position;]
2354	[(ii) if the employee's position is dependent on a license or peace officer certification that
2355	is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or]
2356	[(iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses
2357	medical cannabis during the 12 hours immediately preceding the employee's shift or
2358	during the employee's shift.]
2359	[(3)] (2) (a) (i) A state employer or a political subdivision employer shall take the
2360	action described in Subsection $[(3)(a)(ii)]$ (2)(a)(ii) before:
2361	(A) giving to a current employee an assignment or duty that arises from or directly
2362	relates to an obligation under this part; or
2363	(B) hiring a prospective employee whose assignments or duties would include an
2364	assignment or duty that arises from or directly relates to an obligation under
2365	this part.
2366	(ii) The employer described in Subsection $[(3)(a)(i)]$ $(2)(a)(i)$ shall give the employee
2367	or prospective employee described in Subsection $[(3)(a)(i)]$ (2)(a)(i) a written
2368	notice that notifies the employee or prospective employee:
2369	(A) that the employee's or prospective employee's job duties may require the
2370	employee or prospective employee to engage in conduct which is in violation
2371	of the criminal laws of the United States; and
2372	(B) that in accepting a job or undertaking a duty described in Subsection $[(3)(a)(i)]$
2373	(2)(a)(i), although the employee or prospective employee is entitled to the

2374	protections of Title 67, Chapter 21, Utah Protection of Public Employees Act,
2375	the employee may not object or refuse to carry out an assignment or duty that
2376	may be a violation of the criminal laws of the United States with respect to the
2377	manufacture, sale, or distribution of cannabis.
2378	(b) The Division of Human Resource Management shall create, revise, and publish the
2379	form of the notice described in Subsection $[(3)(a)]$ $(2)(a)$ .
2380	(c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
2381	described in Subsection $[(3)(a)]$ (2)(a) may not:
2382	(i) claim in good faith that the employee's actions violate or potentially violate the
2383	laws of the United States with respect to the manufacture, sale, or distribution of
2384	cannabis; or
2385	(ii) refuse to carry out a directive that the employee reasonably believes violates the
2386	criminal laws of the United States with respect to the manufacture, sale, or
2387	distribution of cannabis.
2388	(d) An employer may not take retaliatory action as defined in Section 67-19a-101
2389	against a current employee who refuses to sign the notice described in Subsection [
2390	(3)(a)] $(2)(a)$ .
2391	[(4)] (3) Nothing in this section requires a private employer to accommodate the use of
2392	medical cannabis or affects the ability of a private employer to have policies restricting
2393	the use of medical cannabis by applicants or employees.
2394	Section 21. Section <b>26B-4-213</b> is amended to read:
2395	26B-4-213. Medical cannabis patient card Medical cannabis guardian card
2396	Conditional medical cannabis card Application Fees Studies.
2397	(1) (a) Subject to Section 26B-4-246, within 15 days after the day on which an
2398	individual who satisfies the eligibility criteria in this section or Section 26B-4-214
2399	submits an application in accordance with this section or Section 26B-4-214, the
2400	department shall:
2401	(i) issue a medical cannabis patient card to an individual described in Subsection
2402	(2)(a);
2403	(ii) issue a medical cannabis guardian card to an individual described in Subsection
2404	(2)(b);
2405	(iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
2406	(iv) issue a medical cannabis caregiver card to an individual described in Subsection
2407	26B-4-214(4).

2408	(b) (i) Upon the entry of a recommending medical provider's medical cannabis
2409	recommendation for a patient in the state electronic verification system, either by
2410	the provider or the provider's employee or by a medical cannabis pharmacy
2411	medical provider or medical cannabis pharmacy in accordance with Subsection
2412	4-41a-1101(10)(a), the department shall issue to the patient an electronic
2413	conditional medical cannabis card, in accordance with this Subsection (1)(b).
2414	(ii) A conditional medical cannabis card is valid for the lesser of:
2415	(A) 60 days; or
2416	(B) the day on which the department completes the department's review and issues
2417	a medical cannabis card under Subsection (1)(a), denies the patient's medical
2418	cannabis card application, or revokes the conditional medical cannabis card
2419	under Subsection (8).
2420	(iii) The department may issue a conditional medical cannabis card to an individual
2421	applying for a medical cannabis patient card for which approval of the
2422	Compassionate Use Board is not required.
2423	(iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2424	obligations under law applicable to a holder of the medical cannabis card for
2425	which the individual applies and for which the department issues the conditional
2426	medical cannabis card.
2427	(2) (a) An individual is eligible for a medical cannabis patient card if:
2428	(i) (A) the individual is at least 21 years old; or
2429	(B) the individual is 18, 19, or 20 years old, the individual petitions the
2430	Compassionate Use Board under Section 26B-1-421, and the Compassionate
2431	Use Board recommends department approval of the petition;
2432	(ii) the individual is a Utah resident;
2433	(iii) the individual's recommending medical provider recommends treatment with
2434	medical cannabis in accordance with Subsection (4);
2435	(iv) the individual signs an acknowledgment stating that the individual received the
2436	information described in Subsection (9); and
2437	(v) the individual pays to the department a fee in an amount that, subject to
2438	Subsection 26B-1-310(5), the department sets in accordance with Section
2439	63J-1-504.
2440	(b) (i) An individual is eligible for a medical cannabis guardian card if the individual:
2441	(A) is at least 18 years old;

2442	(B) is a Utah resident;
2443	(C) is the parent or legal guardian of a minor for whom the minor's [qualified]
2444	recommending medical provider recommends a medical cannabis treatment,
2445	the individual petitions the Compassionate Use Board under Section 26B-1-42
2446	and the Compassionate Use Board recommends department approval of the
2447	petition;
2448	(D) the individual signs an acknowledgment stating that the individual received
2449	the information described in Subsection (9); and
2450	(E) pays to the department a fee in an amount that, subject to Subsection
2451	26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
2452	the cost of the criminal background check described in Section 26B-4-215.
2453	(ii) The department shall notify the Department of Public Safety of each individual
2454	that the department registers for a medical cannabis guardian card.
2455	(c) (i) A minor is eligible for a provisional patient card if:
2456	(A) the minor has a qualifying condition;
2457	(B) the minor's [qualified] recommending medical provider recommends a medical
2458	cannabis treatment to address the minor's qualifying condition;
2459	(C) one of the minor's parents or legal guardians petitions the Compassionate Use
2460	Board under Section 26B-1-421, and the Compassionate Use Board
2461	recommends department approval of the petition; and
2462	(D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
2463	card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
2464	who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
2465	(ii) The department shall automatically issue a provisional patient card to the minor
2466	described in Subsection (2)(c)(i) at the same time the department issues a medical
2467	cannabis guardian card to the minor's parent or legal guardian.
2468	(d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
2469	through (C) does not qualify for a medical cannabis guardian card under Subsection
2470	(2)(b), the parent or legal guardian may designate up to two caregivers in accordance
2471	with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
2472	access to the recommended medical cannabis treatment.
2473	(3) (a) An individual who is eligible for a medical cannabis card described in Subsection
2474	(2)(a) or (b) shall submit an application for a medical cannabis card to the department:
2475	(i) through an electronic application connected to the state electronic verification

2476	system;
2477	(ii) with the recommending medical provider; and
2478	(iii) with information including:
2479	(A) the applicant's name, gender, age, and address;
2480	(B) the number of the applicant's government issued photo identification;
2481	(C) for a medical cannabis guardian card, the name, gender, and age of the minor
2482	receiving a medical cannabis treatment under the cardholder's medical cannabis
2483	guardian card; and
2484	(D) for a provisional patient card, the name of the minor's parent or legal guardian
2485	who holds the associated medical cannabis guardian card.
2486	(b) The department shall ensure that a medical cannabis card the department issues
2487	under this section contains the information described in Subsection (3)(a)(iii).
2488	(c) (i) If a recommending medical provider determines that, because of age, illness,
2489	or disability, a medical cannabis patient cardholder requires assistance in
2490	administering the medical cannabis treatment that the recommending medical
2491	provider recommends, the recommending medical provider may indicate the
2492	cardholder's need in the state electronic verification system, either directly or, for
2493	a limited medical provider, through the order described in Subsections 26B-4-204
2494	(1)(c) and (d).
2495	(ii) If a recommending medical provider makes the indication described in
2496	Subsection (3)(c)(i):
2497	(A) the department shall add a label to the relevant medical cannabis patient card
2498	indicating the cardholder's need for assistance;
2499	(B) any adult who is 18 years old or older and who is physically present with the
2500	cardholder at the time the cardholder needs to use the recommended medical
2501	cannabis treatment may handle the medical cannabis treatment and any
2502	associated medical cannabis device as needed to assist the cardholder in
2503	administering the recommended medical cannabis treatment; and
2504	(C) an individual of any age who is physically present with the cardholder in the
2505	event of an emergency medical condition, as that term is defined in Section
2506	31A-1-301, may handle the medical cannabis treatment and any associated
2507	medical cannabis device as needed to assist the cardholder in administering the
2508	recommended medical cannabis treatment.
2509	(iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may

2510	not:
2511	(A) ingest or inhale medical cannabis;
2512	(B) possess, transport, or handle medical cannabis or a medical cannabis device
2513	outside of the immediate area where the cardholder is present or with an intent
2514	other than to provide assistance to the cardholder; or
2515	(C) possess, transport, or handle medical cannabis or a medical cannabis device
2516	when the cardholder is not in the process of being dosed with medical cannabis
2517	(4) To recommend a medical cannabis treatment to a patient or to renew a recommendation,
2518	a recommending medical provider shall:
2519	(a) visit with the patient face-to-face for an initial recommendation unless the patient:
2520	(i) prefers a virtual visit; and
2521	(ii) (A) is on hospice or has a terminal illness according to the patient's medical
2522	provider; or
2523	(B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or
2524	a nursing care facility, as defined in Section 26B-2-201;
2525	(b) before recommending or renewing a recommendation for medical cannabis in a
2526	medicinal dosage form or a cannabis product in a medicinal dosage form:
2527	(i) verify the patient's and, for a minor patient, the minor patient's parent or legal
2528	guardian's government issued photo identification described in Subsection (3)(a);
2529	(ii) review any record related to the patient and, for a minor patient, the patient's
2530	parent or legal guardian in:
2531	(A) for a qualified medical provider, the state electronic verification system; and
2532	(B) the controlled substance database created in Section 58-37f-201; and
2533	(iii) consider the recommendation in light of the patient's qualifying condition,
2534	history of substance use or opioid use disorder, and history of medical cannabis
2535	and controlled substance use during a visit with the patient; and
2536	(c) state in the recommending medical provider's recommendation that the patient:
2537	(i) suffers from a qualifying condition, including the type of qualifying condition; and
2538	(ii) may benefit from treatment with cannabis in a medicinal dosage form or a
2539	cannabis product in a medicinal dosage form.
2540	(5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
2541	department issues under this section is valid for the lesser of:
2542	(i) an amount of time that the recommending medical provider determines; or
2543	(ii) one year from the day the card is issued.

2544	(b) (i) A medical cannabis card that the department issues in relation to a terminal
2545	illness described in Section 26B-4-203 expires after one year.
2546	(ii) The recommending medical provider may revoke a recommendation that the
2547	provider made in relation to a terminal illness described in Section 26B-4-203 if
2548	the medical cannabis cardholder no longer has the terminal illness.
2549	(c) A medical cannabis card that the department issues in relation to acute pain as
2550	described in Section 26B-4-203 expires 30 days after the day on which the
2551	department first issues a conditional or full medical cannabis card.
2552	(6) (a) A medical cannabis patient card or a medical cannabis guardian card is renewable
2553	if:
2554	(i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
2555	or (b); or
2556	(ii) the cardholder received the medical cannabis card through the recommendation of
2557	the Compassionate Use Board under Section 26B-1-421.
2558	(b) The recommending medical provider who made the underlying recommendation for
2559	the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
2560	card through phone or video conference with the cardholder, at the recommending
2561	medical provider's discretion.
2562	(c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
2563	shall pay to the department a renewal fee in an amount that:
2564	(i) subject to Subsection 26B-1-310(5), the department sets in accordance with
2565	Section 63J-1-504; and
2566	(ii) may not exceed the cost of the relatively lower administrative burden of renewal
2567	in comparison to the original application process.
2568	(d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2569	patient card renews automatically at the time the minor's parent or legal guardian
2570	renews the parent or legal guardian's associated medical cannabis guardian card.
2571	(7) (a) A cardholder under this section shall carry the cardholder's valid medical
2572	cannabis card with the patient's name.
2573	(b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
2574	purchase, in accordance with this part and the recommendation underlying the
2575	card, cannabis in a medicinal dosage form, a cannabis product in a medicinal
2576	dosage form, or a medical cannabis device.
2577	(ii) A cardholder under this section may possess or transport, in accordance with this

2578	part and the recommendation underlying the card, cannabis in a medicinal dosage
2579	form, a cannabis product in a medicinal dosage form, or a medical cannabis
2580	device.
2581	(iii) To address the qualifying condition underlying the medical cannabis treatment
2582	recommendation:
2583	(A) a medical cannabis patient cardholder or a provisional patient cardholder may
2584	use [eannabis in a medicinal dosage form, a medical cannabis product in a
2585	medicinal dosage form, or] medical cannabis or a medical cannabis device; and
2586	(B) a medical cannabis guardian cardholder may assist the associated provisional
2587	patient cardholder with the use of [eannabis in a medicinal dosage form, a
2588	medical cannabis product in a medicinal dosage form,] medical cannabis or a
2589	medical cannabis device.
2590	(8) (a) The department may revoke a medical cannabis card that the department issues
2591	under this section if:
2592	(i) the recommending medical provider withdraws the medical provider's
2593	recommendation for medical cannabis; or
2594	(ii) the cardholder:
2595	(A) violates this part; or
2596	(B) is convicted under state or federal law of, after March 17, 2021, a drug
2597	distribution offense.
2598	(b) The department may not refuse to issue a medical cannabis card to a patient solely
2599	based on a prior revocation under Subsection (8)(a)(i).
2600	(9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
2601	Administrative Rulemaking Act, a process to provide information regarding the
2602	following to an individual receiving a medical cannabis card:
2603	(a) risks associated with medical cannabis treatment;
2604	(b) the fact that a condition's listing as a qualifying condition does not suggest that
2605	medical cannabis treatment is an effective treatment or cure for that condition, as
2606	described in Subsection 26B-4-203(1); and
2607	(c) other relevant warnings and safety information that the department determines.
2608	(10) The department may establish procedures by rule, in accordance with Title 63G,
2609	Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
2610	issuance provisions of this section.
2611	(11) (a) On or before September 1, 2021, the department shall establish by rule, in

2612	accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a
2613	process to allow an individual from another state to register with the department in
2614	order to purchase medical cannabis or a medical cannabis device from a medical
2615	cannabis pharmacy while the individual is visiting the state.
2616	(b) The department may only provide the registration process described in Subsection
2617	(11)(a):
2618	(i) to a nonresident patient; and
2619	(ii) for no more than two visitation periods per calendar year of up to 21 calendar
2620	days per visitation period.
2621	(12) (a) A person may submit to the department a request to conduct a research study
2622	using medical cannabis cardholder data that the state electronic verification system
2623	contains.
2624	(b) The department shall review a request described in Subsection (12)(a) to determine
2625	whether an institutional review board, as that term is defined in Section 26B-4-201,
2626	could approve the research study.
2627	(c) At the time an individual applies for a medical cannabis card, the department shall
2628	notify the individual:
2629	(i) of how the individual's information will be used as a cardholder;
2630	(ii) that by applying for a medical cannabis card, unless the individual withdraws
2631	consent under Subsection (12)(d), the individual consents to the use of the
2632	individual's information for external research; and
2633	(iii) that the individual may withdraw consent for the use of the individual's
2634	information for external research at any time, including at the time of application
2635	(d) An applicant may, through the medical cannabis card application, and a medical
2636	cannabis cardholder may, through the state central patient portal, withdraw the
2637	applicant's or cardholder's consent to participate in external research at any time.
2638	(e) The department may release, for the purposes of a study described in this Subsection
2639	(12), information about a cardholder under this section who consents to participate
2640	under Subsection (12)(c).
2641	(f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
2642	consent:
2643	(i) applies to external research that is initiated after the withdrawal of consent; and
2644	(ii) does not apply to research that was initiated before the withdrawal of consent.
2645	(g) The department may establish standards for a medical research study's validity, by

2646	rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2647	Act.
2648	(13) The department shall record the issuance or revocation of a medical cannabis card
2649	under this section in the controlled substance database.
2650	Section 22. Section <b>26B-4-245</b> is amended to read:
2651	26B-4-245 . Purchasing and use limitations Exception.
2652	(1) An individual with a medical cannabis card:
2653	[(1)] (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
2654	[(a)] (i) unprocessed cannabis in a medicinal dosage form; and
2655	[(b)] (ii) a cannabis product in a medicinal dosage form;
2656	$\left[\frac{(2)}{(b)}\right]$ may not purchase:
2657	[(a)] (i) except as provided in Subsection (2), more medical cannabis than described in
2658	Subsection (1)(a); or
2659	[(b)] (ii) if the relevant recommending medical provider did not recommend
2660	directions of use and dosing guidelines, until the individual consults with the
2661	pharmacy medical provider in accordance with Subsection 26B-4-231(4), any
2662	medical cannabis; and
2663	[(3)] (c) may not use a route of administration that the relevant recommending medical
2664	provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231
2665	(4), has not recommended.
2666	(2) (a) A qualified medical provider may petition the department to waive the 28-day
2667	period limit described in Subsection (1)(a) for a medical cannabis cardholder if the
2668	medical cannabis cardholder:
2669	(i) has been diagnosed with a terminal illness;
2670	(ii) has a life expectancy of six months or less; and
2671	(iii) needs the waiver for palliative purposes.
2672	(b) The department shall:
2673	(i) consult with the Compassionate Use Board to determine whether the waiver
2674	should be granted;
2675	(ii) issue a response to the petition within 10 days from the day on which the petition
2676	is received.
2677	(c) The department may waive the 28-day period limit for no more than 180 days.
2678	(d) A petition described in this Subsection (2) may be combined with the petition
2679	described in Subsection 26B-1-421(6).

2680	Section 23. Section <b>34A-5-114</b> is enacted to read:
2681	$\underline{34A\text{-}5\text{-}114}$ . Nondiscrimination for medical cannabis use while employed by the
2682	government Medical cannabis and prescription use.
2683	(1) As used in this section:
2684	(a) "Adverse employment action" means any of the following in regards to an employee:
2685	(i) dismissal from employment;
2686	(ii) suspension from employment;
2687	(iii) reduction in compensation;
2688	(iv) failing to increase compensation by an amount that the employee is otherwise
2689	entitled to or was promised;
2690	(v) failure to promote an employee if the employee would have otherwise been
2691	promoted; or
2692	(vi) threaten to take an action described in Subsections (1)(a)(i) through (v).
2693	(b) "Government employer" means an employer that is the state or a political
2694	subdivision of the state.
2695	(c) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
2696	(d) "Medical cannabis cardholder" means the same as that term is defined in Section
2697	<u>26B-4-201.</u>
2698	(2) (a) A government employer may take an adverse employment action against an
2699	employee for failing a drug test for the use of medical cannabis that is obtained and
2700	used in accordance with state law only if the government employer would take an
2701	adverse employment action against an employee for failing a drug test for the use of a
2702	prescribed controlled substance that was used in accordance with state law.
2703	(b) A government employer may take an adverse employment action against an
2704	employee for the sole reason of the employee being a medical cannabis cardholder
2705	only if the government employer would take an adverse employment action against
2706	an employee for the sole reason that the employee has a prescription for a controlled
2707	substance.
2708	(c) A government employer that would take an adverse action described in Subsection
2709	(2)(a) or (2)(b) shall have a written policy that:
2710	(i) is comprehensive in nature regarding when an employee would be disciplined; and
2711	(ii) does not treat medical cannabis any differently than another controlled substance.
2712	(3) Subsection (2) does not apply:
2713	(a) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a

2714		federal security clearance, or any other federal background determination required for
2715		the employee's position; or
2716		(b) if the employee's position is dependent on a license or peace officer certification that
2717		is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3).
2718	<u>(4)</u>	Before taking an adverse employment action against an employee solely because the
2719		employee is a medical cannabis cardholder or holds a prescription for another controlled
2720		substance, a government employer shall:
2721		(a) consult with legal counsel, if one is employed or contracted with to provide services
2722		to the government employer; and
2723		(b) obtain approval from:
2724		(i) for a political subdivision, the mayor or county executive; or
2725		(ii) for a state employer, the state employer's agency head or the agency head's
2726		designee.
2727	<u>(5)</u>	An employee described in this section:
2728		(a) may file a complaint in accordance with Section 34A-5-107 with the commission; and
2729		(b) is entitled to any remedies under this chapter for an employer's violation of
2730		Subsection (2).
2731	<u>(6)</u>	Nothing in this section requires a private employer to accommodate the use of medical
2732		cannabis or affects the ability of a private employer to have policies restricting the use of
2733		medical cannabis by applicants or employees.
2734		Section 24. Section <b>63I-2-236</b> is amended to read:
2735		63I-2-236 . Repeal dates: Title 36.
2736	(1)	Section 36-12-8.2 is repealed July 1, [2024] 2025.
2737	(2)	Section 36-29-107.5 is repealed on November 30, 2024.
2738	(3)	Section 36-29-109 is repealed on November 30, 2027.
2739	(4)	Section 36-29-110 is repealed on November 30, 2024.
2740	(5)	Section 36-29-111 is repealed July 1, 2025.
2741	(6)	The following sections regarding the State Flag Task Force are repealed on January 1,
2742		2024:
2743		(a) Section 36-29-201;
2744		(b) Section 36-29-202; and
2745		(c) Section 36-29-203.
2746	(7)	Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is repealed
2747		December 31, 2023.

2748	Section 25. Effective date.
2749	This bill takes effect on May 1, 2024.
2750	Section 26. Coordinating S.B. 233 with S.B. 46.
2751	If S.B. 233, Medical Cannabis Amendments, and S.B. 46, Health and Human
2752	Services Amendments, both pass and become law, the Legislature intends that, on May
2753	<u>1, 2024:</u>
2754	(1) Subsection 4-41a-102(46) in S.B. 46 does not take effect; and
2755	(2) the amendments to Subsection 26B-4-201(56) in S.B. 233 supersede the repeal of
2756	Subsection 26B-4-201(55), related to targeted marketing, in S.B. 46.