

MEDICAL CANNABIS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows the delivery of medical cannabis to more address types;
- ▶ allows a medical cannabis pharmacy to engage in additional targeted marketing;
- ▶ allows a medical cannabis processor to engage in targeted marketing subject to administrative rule;
- ▶ prohibits anticompetitive behavior;
- ▶ modifies provisions related to cannabis production facility applications;
- ▶ modifies the duties and membership of the Medical Cannabis Production and Pharmacy Licensing Board (licensing board);
- ▶ prohibits the use of certain terms on medical cannabis products;
- ▶ modifies a reporting requirement;
- ▶ requires pharmacy licenses to be renewed and awarded under the licensing board;
- ▶ modifies identification requirements related to obtaining medical cannabis from a medical cannabis pharmacy;
- ▶ allows a pharmacist to allow an individual to obtain medical cannabis without identification under certain circumstances;



- 28 ▶ allows additional medical providers to provide recommendations to the
- 29 Compassionate Use Board;
- 30 ▶ allows a public employee to file a complaint with the Labor Commission regarding
- 31 discriminatory practices related to medical cannabis use;
- 32 ▶ creates a penalty for a health care provider who provides medical cannabis
- 33 recommendations for an entity that is violating advertisement restrictions; and
- 34 ▶ extends the repeal date of the Medical Cannabis Governance Structure Working
- 35 Group.

36 Money Appropriated in this Bill:

37 None

38 Other Special Clauses:

39 None

40 Utah Code Sections Affected:

41 AMENDS:

42 **4-41a-102**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327

43 **4-41a-201**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327 and last

44 amended by Coordination Clause, Laws of Utah 2023, Chapter 327

45 **4-41a-201.1**, as enacted by Laws of Utah 2021, Chapter 350

46 **4-41a-202**, as renumbered and amended by Laws of Utah 2018, Third Special Session,

47 Chapter 1

48 **4-41a-602**, as last amended by Laws of Utah 2023, Chapter 313

49 **4-41a-802**, as last amended by Laws of Utah 2023, Chapter 273

50 **4-41a-1001**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and

51 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by

52 Coordination Clause, Laws of Utah 2023, Chapter 307

53 **4-41a-1005**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and

54 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

55 **4-41a-1101**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and

56 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by

57 Coordination Clause, Laws of Utah 2023, Chapter 307

58 **4-41a-1102**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and

59 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
60 Laws of Utah 2023, Chapter 307

61 **4-41a-1106**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
62 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by
63 Coordination Clause, Laws of Utah 2023, Chapter 307

64 **26B-1-421**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
65 and amended by Laws of Utah 2023, Chapter 305

66 **26B-4-201**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
67 and amended by Laws of Utah 2023, Chapter 307

68 **26B-4-202**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
69 and amended by Laws of Utah 2023, Chapter 307 and last amended by
70 Coordination Clause, Laws of Utah 2023, Chapter 307

71 **26B-4-204**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
72 and amended by Laws of Utah 2023, Chapter 307 and last amended by
73 Coordination Clause, Laws of Utah 2023, Chapter 307

74 **26B-4-207**, as renumbered and amended by Laws of Utah 2023, Chapter 307

75 **26B-4-213**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
76 and amended by Laws of Utah 2023, Chapter 307 and last amended by
77 Coordination Clause, Laws of Utah 2023, Chapter 307

78 **26B-4-245**, as enacted by Laws of Utah 2023, Chapter 273

79 **63I-2-236**, as last amended by Laws of Utah 2023, Chapters 87, 101 and 273

80 ENACTS:

81 **4-41a-604**, Utah Code Annotated 1953

82 **34A-5-114**, Utah Code Annotated 1953



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

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

86 **4-41a-102. Definitions.**

87 As used in this chapter:

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

- 90 (a) pesticides;
- 91 (b) heavy metals;
- 92 (c) solvents;
- 93 (d) microbial life;
- 94 (e) artificially derived cannabinoid;
- 95 (f) toxins; or
- 96 (g) foreign matter.

97 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
 98 Section [26B-1-435](#).

99 (3) (a) "Anticompetitive business practice" means any practice that reduces the amount
 100 of competition in the medical cannabis market.

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

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

104 (A) no longer acting independently; or

105 (B) when collaborating are able to wield market power together; or

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

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

108 (B) preventing new entry into the market.

109 [~~3~~] (4) (a) "Artificially derived cannabinoid" means a chemical substance that is
 110 created by a chemical reaction that changes the molecular structure of any chemical substance
 111 derived from the cannabis plant.

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

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

115 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
 116 cannabinoid acid without the use of a chemical catalyst.

117 [~~4~~] (5) "Cannabis Research Review Board" means the Cannabis Research Review
 118 Board created in Section [26B-1-420](#).

119 [~~5~~] (6) "Cannabis" means the same as that term is defined in Section [26B-4-201](#).

120 [~~6~~] (7) "Cannabis concentrate" means:

121 (a) the product of any chemical or physical process applied to naturally occurring
122 biomass that concentrates or isolates the cannabinoids contained in the biomass; and

123 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
124 artificially derived cannabinoid's purified state.

125 ~~[(7)]~~ (8) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is
126 not intended to be sold as a cannabis plant product.

127 ~~[(8)]~~ (9) "Cannabis cultivation facility" means a person that:

128 (a) possesses cannabis;

129 (b) grows or intends to grow cannabis; and

130 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
131 processing facility, or a medical cannabis research licensee.

132 ~~[(9)]~~ (10) "Cannabis cultivation facility agent" means an individual who~~[-]~~
133 holds a valid cannabis production establishment agent registration card with a cannabis
134 cultivation facility designation.

135 ~~[(10)]~~ (11) "Cannabis derivative product" means a product made using cannabis
136 concentrate.

137 ~~[(11)]~~ (12) "Cannabis plant product" means any portion of a cannabis plant intended to
138 be sold in a form that is recognizable as a portion of a cannabis plant.

139 ~~[(12)]~~ (13) "Cannabis processing facility" means a person that:

140 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

141 (b) possesses cannabis with the intent to manufacture a cannabis product;

142 (c) manufactures or intends to manufacture a cannabis product from unprocessed
143 cannabis or a cannabis extract; and

144 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
145 medical cannabis research licensee.

146 ~~[(13)]~~ (14) "Cannabis processing facility agent" means an individual who~~[-]~~
147 holds a valid cannabis production establishment agent registration card with a cannabis
148 processing facility designation.

149 ~~[(14)]~~ (15) "Cannabis product" means the same as that term is defined in Section
150 [26B-4-201](#).

151 ~~[(15)]~~ (16) "Cannabis production establishment" means a cannabis cultivation facility,

152 a cannabis processing facility, or an independent cannabis testing laboratory.

153 ~~[(16)]~~ (17) "Cannabis production establishment agent" means a cannabis cultivation
154 facility agent, a cannabis processing facility agent, or an independent cannabis testing
155 laboratory agent.

156 ~~[(17)]~~ (18) "Cannabis production establishment agent registration card" means a
157 registration card that the department issues that:

158 (a) authorizes an individual to act as a cannabis production establishment agent; and

159 (b) designates the type of cannabis production establishment for which an individual is
160 authorized to act as an agent.

161 ~~[(18)]~~ (19) "Community location" means a public or private elementary or secondary
162 school, a church, a public library, a public playground, or a public park.

163 ~~[(19)]~~ (20) "Cultivation space" means, quantified in square feet, the horizontal area in
164 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
165 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above
166 other plants in multiple levels.

167 ~~[(20)]~~ (21) "Delivery address" means:

168 (a) for a medical cannabis cardholder who is not a facility~~[-]~~:

169 (i) the medical cannabis cardholder's home address; or

170 (ii) an address designated by the medical cannabis cardholder that is not a community
171 location; or

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

173 ~~[(21)]~~ (22) "Department" means the Department of Agriculture and Food.

174 ~~[(22)]~~ (23) "Family member" means a parent, step-parent, spouse, child, sibling,
175 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
176 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

177 (24) "Government issued photo identification" means one of the following photo
178 identifications issued by a foreign or domestic government:

179 (a) driver license;

180 (b) non-driver identification card;

181 (c) passport;

182 (d) military identification; or

183 (e) concealed weapons permit.

184 [~~(23)~~] (25) "Home delivery medical cannabis pharmacy" means a medical cannabis
185 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
186 cannabis shipments to a delivery address to fulfill electronic orders that the state central patient
187 portal facilitates.

188 [~~(24)~~] (26) (a) "Independent cannabis testing laboratory" means a person that:

189 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or

190 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
191 conduct a chemical or other analysis of the cannabis or cannabis product.

192 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
193 or a research university operates in accordance with Subsection 4-41a-201(14).

194 [~~(25)~~] (27) "Independent cannabis testing laboratory agent" means an individual who[:]
195 holds a valid cannabis production establishment agent registration card with an
196 independent cannabis testing laboratory designation.

197 [~~(26)~~] (28) "Inventory control system" means a system described in Section 4-41a-103.

198 [~~(27)~~] (29) "Licensing board" or "board" means the Cannabis Production Establishment
199 and Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.

200 [~~(28)~~] (30) "Medical cannabis" means the same as that term is defined in Section
201 26B-4-201.

202 [~~(29)~~] (31) "Medical cannabis card" means the same as that term is defined in Section
203 26B-4-201.

204 [~~(30)~~] (32) "Medical cannabis courier" means a courier that:

205 (a) the department licenses in accordance with Section 4-41a-1201; and

206 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
207 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

208 [~~(31)~~] (33) "Medical cannabis courier agent" means an individual who:

209 (a) is an employee of a medical cannabis courier; and

210 (b) who holds a valid medical cannabis courier agent registration card.

211 [~~(32)~~] (34) "Medical cannabis pharmacy" means the same as that term is defined in
212 Section 26B-4-201.

213 [~~(33)~~] (35) "Medical cannabis pharmacy agent" means the same as that term is defined

214 in Section [26B-4-201](#).

215 ~~[(34)]~~ (36) "Medical cannabis research license" means a license that the department
216 issues to a research university for the purpose of obtaining and possessing medical cannabis for
217 academic research.

218 ~~[(35)]~~ (37) "Medical cannabis research licensee" means a research university that the
219 department licenses to obtain and possess medical cannabis for academic research, in
220 accordance with Section [4-41a-901](#).

221 ~~[(36)]~~ (38) "Medical cannabis shipment" means a shipment of medical cannabis ~~[or a~~
222 ~~medical cannabis product]~~ that a home delivery medical cannabis pharmacy or a medical
223 cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis order
224 that the state central patient portal facilitates.

225 ~~[(37)]~~ (39) "Medical cannabis treatment" means the same as that term is defined in
226 Section [26B-4-201](#).

227 ~~[(38)]~~ (40) "Medicinal dosage form" means the same as that term is defined in Section
228 [26B-4-201](#).

229 ~~[(39)]~~ (41) "Pharmacy medical provider" means the same as that term is defined in
230 Section [26B-4-201](#).

231 ~~[(40)]~~ (42) "Qualified medical provider" means the same as that term is defined in
232 Section [26B-4-201](#).

233 ~~[(41)]~~ (43) "Qualified Production Enterprise Fund" means the fund created in Section
234 [4-41a-104](#).

235 ~~[(42)]~~ (44) "Recommending medical provider" means the same as that term is defined
236 in Section [26B-4-201](#).

237 ~~[(43)]~~ (45) "Research university" means the same as that term is defined in Section
238 [53B-7-702](#) and a private, nonprofit college or university in the state that:

- 239 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 240 (b) grants doctoral degrees; and
- 241 (c) has a laboratory containing or a program researching a schedule I controlled
242 substance described in Section [58-37-4](#).

243 ~~[(44)]~~ (46) "State electronic verification ~~system~~" means the system described in Section
244 [26B-4-202](#).

245 (47) "Targeted marketing" means the promotion of a cannabis product, medical
246 cannabis brand, or a medical cannabis device using any of the following methods:

247 (a) electronic communication to an individual who is at least 21 years old and has
248 requested to receive promotional information;

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

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

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

252 (c) other marketing material that is physically available or digitally displayed in a
253 medical cannabis pharmacy; or

254 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
255 provided to an individual when obtaining medical cannabis:

256 (i) in the medical cannabis pharmacy;

257 (ii) at the medical cannabis pharmacy's drive-through pick up window; or

258 (iii) in a medical cannabis shipment.

259 [~~45~~] (48) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
260 Section 4-41-102.

261 [~~46~~] (49) "THC analog" means the same as that term is defined in Section 4-41-102.

262 [~~47~~] (50) "Total composite tetrahydrocannabinol" means all detectable forms of
263 tetrahydrocannabinol.

264 [~~48~~] (51) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
265 defined in Section 4-41-102.

266 Section 2. Section 4-41a-201 is amended to read:

267 **4-41a-201. Cannabis production establishment -- License.**

268 (1) Except as provided in Subsection (14), a person may not operate a cannabis
269 production establishment without a license that the department issues under this chapter.

270 (2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a
271 licensing process that the department initiates after March 17, 2021, the department, through
272 the licensing board, shall issue licenses in accordance with Section 4-41a-201.1.

273 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
274 department shall make rules to specify a transparent and efficient process to:

275 (A) solicit applications for a license under this section;

- 276 (B) allow for comments and questions in the development of applications;
- 277 (C) timely and objectively evaluate applications;
- 278 (D) hold public hearings that the department deems appropriate; and
- 279 (E) select applicants to receive a license.
- 280 (iii) The department may not issue a license to operate a cannabis production
- 281 establishment to an applicant who is not eligible for a license under this section.
- 282 (b) An applicant is eligible for a license under this section if the applicant submits to
- 283 the licensing board:
 - 284 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
 - 285 cultivation facility, addresses of no more than two facility locations, located in a zone described
 - 286 in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production
 - 287 establishment;
 - 288 (ii) the name and address of any individual who has:
 - 289 (A) for a publicly traded company, a financial or voting interest of [~~2%~~] 10% or greater
 - 290 in the proposed cannabis production establishment;
 - 291 (B) for a privately held company, a financial or voting interest in the proposed cannabis
 - 292 production establishment; or
 - 293 (C) the power to direct or cause the management or control of a proposed cannabis
 - 294 production establishment;
 - 295 (iii) an operating plan that:
 - 296 (A) complies with Section 4-41a-204;
 - 297 (B) includes operating procedures that comply with this chapter and any law the
 - 298 municipality or county in which the person is located adopts that is consistent with Section
 - 299 4-41a-406; and
 - 300 (C) the department or licensing board approves;
 - 301 (iv) a statement that the applicant will obtain and maintain a liquid cash account with a
 - 302 financial institution or a performance bond that a surety authorized to transact surety business
 - 303 in the state issues in an amount of at least:
 - 304 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies; or
 - 305 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
 - 306 laboratory for which the applicant applies;

307 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
308 department sets in accordance with Section 63J-1-504; and

309 (vi) a description of any investigation or adverse action taken by any licensing
310 jurisdiction, government agency, law enforcement agency, or court in any state for any
311 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
312 or businesses.

313 (c) (i) A person may not locate a cannabis production establishment:

314 (A) within 1,000 feet of a community location; or

315 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
316 as primarily residential.

317 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
318 from the nearest entrance to the cannabis production establishment by following the shortest
319 route of ordinary pedestrian travel to the property boundary of the community location or
320 residential area.

321 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
322 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not reasonably
323 feasible for the applicant to site the proposed cannabis production establishment without the
324 waiver.

325 (iv) An applicant for a license under this section shall provide evidence of compliance
326 with the proximity requirements described in Subsection (2)(c)(i).

327 (3) If the licensing board approves an application for a license under this section and
328 Section 4-41a-201.1:

329 (a) the applicant shall pay the department[;]

330 [(i)] an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the
331 department sets in accordance with Section 63J-1-504[; or]; and

332 [~~(ii) a fee for a 120-day limited license to operate as a cannabis processing facility~~
333 ~~described in Subsection (3)(b) that is equal to 33% of the initial license fee described in~~
334 ~~Subsection (3)(a)(i); and]~~

335 (b) the department shall notify the Department of Public Safety of the license approval
336 and the names of each individual described in Subsection (2)(b)(ii).

337 (4) (a) Except as provided in Subsection (4)(b), a cannabis production establishment

338 shall obtain a separate license for each type of cannabis production establishment and each
339 location of a cannabis production establishment.

340 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
341 processing facility license to a person to operate at the same physical location or at separate
342 physical locations.

343 (5) If the licensing board receives more than one application for a cannabis production
344 establishment within the same city or town, the licensing board shall consult with the local land
345 use authority before approving any of the applications pertaining to that city or town.

346 (6) The licensing board may not issue a license to operate an independent cannabis
347 testing laboratory to a person who:

348 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
349 cannabis processing facility, or a cannabis cultivation facility;

350 (b) has an owner, officer, director, or employee whose family member holds a license
351 or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or
352 a cannabis cultivation facility; or

353 (c) proposes to operate the independent cannabis testing laboratory at the same physical
354 location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis
355 cultivation facility.

356 (7) The licensing board may not issue a license to operate a cannabis production
357 establishment to an applicant if any individual described in Subsection (2)(b)(ii):

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

359 (i) a felony; or

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

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

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

363 (8) (a) If an applicant for a cannabis production establishment license under this
364 section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing
365 board may not give preference to the applicant based on the applicant's status as a holder of the
366 license.

367 (b) If an applicant for a license to operate a cannabis cultivation facility under this
368 section holds a license to operate a medical cannabis pharmacy under this title, the licensing

369 board may give consideration to the applicant based on the applicant's status as a holder of a
370 medical cannabis pharmacy license if:

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

373 (ii) the licensing board finds multiple other factors, in addition to the existing license,
374 that support granting the new license.

375 (9) The licensing board may revoke a license under this part:

376 (a) if the cannabis production establishment does not begin cannabis production
377 operations within one year after the day on which the licensing board issues the initial license;

378 (b) after the third of the same violation of this chapter in any of the licensee's licensed
379 cannabis production establishments or medical cannabis pharmacies;

380 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
381 active, under state or federal law of:

382 (i) a felony; or

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

384 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
385 the time of application, or fails to supplement the information described in Subsection
386 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
387 application within 14 calendar days after the licensee receives notice of the investigation or
388 adverse action;

389 (e) if the cannabis production establishment demonstrates a willful or reckless
390 disregard for the requirements of this chapter or the rules the department makes in accordance
391 with this chapter;

392 (f) if, after a change of ownership described in Subsection (15)(b), the board
393 determines that the cannabis production establishment no longer meets the minimum standards
394 for licensure and operation of the cannabis production establishment described in this chapter;

395 [~~or~~]

396 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
397 laboratory fails to substantially meet the performance standards described in Subsection
398 (14)(b)~~[-]; or~~

399 (h) if, following an investigation conducted pursuant to Subsection [4-41a-201.1\(11\)](#),

400 the board identifies that the licensee has participated in anticompetitive business practices.

401 (10) (a) A person who receives a cannabis production establishment license under this
402 chapter, if the municipality or county where the licensed cannabis production establishment
403 will be located requires a local land use permit, shall submit to the licensing board a copy of
404 the licensee's approved application for the land use permit within 120 days after the day on
405 which the licensing board issues the license.

406 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
407 land use permit application in accordance with Subsection (10)(a), the licensing board may
408 revoke the licensee's license.

409 (11) The department shall deposit the proceeds of a fee that the department imposes
410 under this section into the Qualified Production Enterprise Fund.

411 (12) The department shall begin accepting applications under this part on or before
412 January 1, 2020.

413 (13) (a) The department's authority, and consequently the licensing board's authority, to
414 issue a license under this section is plenary and is not subject to review.

415 (b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a
416 license to an applicant is not subject to:

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

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

419 (14) (a) Notwithstanding this section, the department:

420 (i) may operate or partner with a research university to operate an independent
421 cannabis testing laboratory;

422 (ii) if the department operates or partners with a research university to operate an
423 independent cannabis testing laboratory, may not cease operating or partnering with a research
424 university to operate the independent cannabis testing laboratory unless:

425 (A) the department issues at least two licenses to independent cannabis testing
426 laboratories; and

427 (B) the department has ensured that the licensed independent cannabis testing
428 laboratories have sufficient capacity to provide the testing necessary to support the state's
429 medical cannabis market; and

430 (iii) after ceasing department or research university operations under Subsection

431 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

432 (A) fewer than two licensed independent cannabis testing laboratories are operating; or

433 (B) the licensed independent cannabis testing laboratories become, in the department's
434 determination, unable to fully meet the market demand for testing.

435 (b) (i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
436 Administrative Rulemaking Act, to establish performance standards for the operation of an
437 independent cannabis testing laboratory, including deadlines for testing completion.

438 (ii) A license that the department issues to an independent cannabis testing laboratory
439 is contingent upon substantial satisfaction of the performance standards described in
440 Subsection (14)(b)(i), as determined by the board.

441 (15) (a) A cannabis production establishment license is not transferrable or assignable.

442 (b) If the ownership of a cannabis production establishment changes by 50% or more:

443 (i) the cannabis production establishment shall submit a new application described in
444 Subsection (2)(b), subject to Subsection (2)(c);

445 (ii) within 30 days of the submission of the application, the board shall:

446 (A) conduct the application review described in Section [4-41a-201.1](#); and

447 (B) award a license to the cannabis production establishment for the remainder of the
448 term of the cannabis production establishment's license before the ownership change if the
449 cannabis production establishment meets the minimum standards for licensure and operation of
450 the cannabis production establishment described in this chapter; and

451 (iii) if the board approves the license application, notwithstanding Subsection (3), the
452 cannabis production establishment shall pay a license fee that the department sets in
453 accordance with Section [63J-1-504](#) in an amount that covers the board's cost of conducting the
454 application review.

455 Section 3. Section [4-41a-201.1](#) is amended to read:

456 **4-41a-201.1. Cannabis Production Establishment and Pharmacy Licensing**

457 **Advisory Board -- Composition -- Duties.**

458 (1) There is created within the department the Cannabis Production Establishment and
459 Pharmacy Licensing Advisory Board.

460 (2) The commissioner shall:

461 (a) appoint the members of the board;

462 (b) submit the name of each individual that the commissioner appoints under
463 Subsection (2)(a) to the governor for confirmation or rejection; and
464 (c) if the governor rejects an appointee that the commissioner submits under
465 Subsection (2)(b), appoint another individual in accordance with this Subsection (2).
466 (3) (a) Except as provided in Subsection (3)(c), the board shall consist of the following
467 [~~six~~] eight members:
468 (i) the following [~~five~~] seven voting members whom the commissioner appoints:
469 (A) one member of the public;
470 (B) one member with knowledge and experience in the pharmaceutical or nutraceutical
471 manufacturing industry;
472 (C) one member representing law enforcement;
473 (D) one member whom an organization representing medical cannabis patients
474 recommends; [~~and~~]
475 (E) a chemist who has experience with cannabis and who is associated with a research
476 university; [~~and~~]
477 (F) a pharmacist who is not associated with the medical cannabis industry; and
478 (G) an accountant; and
479 (ii) the commissioner or the commissioner's designee as a non-voting member, except
480 to cast a deciding vote in the event of a tie.
481 (b) The commissioner may appoint a [~~seventh~~] ninth member to the board who has a
482 background in the cannabis cultivation and processing industry.
483 (c) The commissioner or the commissioner's designee shall serve as the chair of the
484 board.
485 (d) An individual is not eligible for appointment to be a member of the board if the
486 individual:
487 (i) has any commercial or ownership interest in a cannabis production establishment,
488 medical cannabis pharmacy, or medical cannabis courier;
489 (ii) has an owner, officer, director, or employee whose family member holds a license
490 or has an ownership interest in a cannabis production establishment, medical cannabis
491 pharmacy, or medical cannabis courier; or
492 (iii) is employed or contracted to lobby on behalf of any cannabis production

493 establishment, medical cannabis pharmacy, or medical cannabis courier.

494 (4) (a) Except as provided in Subsection (4)(b), a voting board member shall serve a
495 term of four years, beginning July 1 and ending June 30.

496 (b) Notwithstanding Subsection (4)(a), for the initial appointments to the board, the
497 commissioner shall stagger the length of the terms of board members to ensure that the
498 commissioner appoints two or three board members every two years.

499 (c) As a board member's term expires:

500 (i) the board member is eligible for reappointment; and

501 (ii) the commissioner shall make an appointment, in accordance with Subsection (2),
502 for the new term before the end of the member's term.

503 (d) When a vacancy occurs on the board for any reason other than the expiration of a
504 board member's term, the commissioner shall appoint a replacement to the vacant position, in
505 accordance with Subsection (2), for the unexpired term.

506 (e) In making appointments, the commissioner shall ensure that no two members of the
507 board are employed by or represent the same company or nonprofit organization.

508 (f) The commissioner may remove a board member for cause, neglect of duty,
509 inefficiency, or malfeasance.

510 (5) (a) (i) [~~Four~~] Five members of the board constitute a quorum of the board.

511 (ii) An action of the majority of the board members when a quorum is present
512 constitutes an action of the board.

513 (b) The department shall provide staff support to the board.

514 (c) A member of the board may not receive compensation or benefits for the member's
515 service, but may receive per diem and travel expenses in accordance with:

516 (i) Section [63A-3-106](#);

517 (ii) Section [63A-3-107](#); and

518 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
519 [63A-3-107](#).

520 (6) The board shall:

521 (a) meet as called by the chair to review cannabis production establishment and
522 pharmacy license applications;

523 (b) review each license application for compliance with:

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

555 consideration; ~~and~~

556 (ii) the board shall consider, for each cannabis cultivation facility seeking renewal,
557 information including:

- 558 (A) the amount of biomass the licensee produced during the current calendar year;
- 559 (B) the amount of biomass the licensee projects to produce during the following year;
- 560 (C) the amount of hemp waste the licensee currently holds;
- 561 (D) the current square footage or acres of growing area the licensee uses; and
- 562 (E) the square footage or acres of growing area the licensee projects to use in the

563 following year; ~~and~~

564 (iii) the board shall consider, for each cannabis processing facility seeking renewal,
565 information including:

- 566 (A) methods and procedures for extraction;
- 567 (B) standard operating procedures; and
- 568 (C) a complete listing of the medical dosage forms that the licensee produces~~[-]; and~~

569 (iv) the board shall consider, for each cannabis pharmacy seeking renewal, information
570 including:

- 571 (A) product availability, quality, and variety;
- 572 (B) the pharmacy's operating procedures; and
- 573 (C) the factors listed in Subsection 4-41a-1003(1).

574 (c) Following consideration of the information provided under Subsection (10)(b), the
575 board may elect to approve, deny, or issue conditional approval of a cannabis production
576 establishment or pharmacy license renewal application.

577 ~~(e)~~ (d) The information a licensee or license applicant provides to the board for a
578 license determination constitutes a protected record under Subsection 63G-2-305(1) or (2) if
579 the applicant or licensee provides the board with the information regarding business
580 confidentiality required in Section 63G-2-309.

581 (11) In cooperation with the Division of Consumer Protection, the board may
582 investigate information received by the department indicating that a licensee is potentially
583 engaging in anticompetitive business practices.

584 Section 4. Section 4-41a-202 is amended to read:

585 **4-41a-202. Cannabis production establishment owners and directors -- Criminal**

586 **background checks.**

587 (1) Each applicant for a license as a cannabis production establishment shall submit to
588 the department, at the time of application, from each individual who has a financial or voting
589 interest of [~~2%~~ 10% or greater in the applicant or who has the power to direct or cause the
590 management or control of the applicant:

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

592 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
593 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

594 Generation Identification System's Rap Back Service; and

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

596 (i) the Utah Bureau of Criminal Identification; and

597 (ii) the Federal Bureau of Investigation.

598 (2) The Bureau of Criminal Identification shall:

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

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

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

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

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

613 (3) The department shall:

614 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
615 amount that the department sets in accordance with Section 63J-1-504 for the services that the
616 Bureau of Criminal Identification or another authorized agency provides under this section; and

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

619 Section 5. Section **4-41a-602** is amended to read:

620 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

621 (1) For any cannabis product that a cannabis processing facility processes or produces
622 and for any raw cannabis that the facility packages, the facility shall:

623 (a) label the cannabis or cannabis product with a label that:

624 (i) clearly and unambiguously states that the cannabis product or package contains
625 cannabis;

626 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
627 and any known cannabinoid that is greater than 1% of the total cannabinoids contained in the
628 cannabis or cannabis product as determined under Subsection [4-41a-701\(4\)](#);

629 (iii) has a unique identification number that:

630 (A) is connected to the inventory control system; and

631 (B) identifies the unique cannabis product manufacturing process the cannabis
632 processing facility used to manufacture the cannabis product;

633 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
634 used to create the cannabis product;

635 (v) does not display an image, word, or phrase that the facility knows or should know
636 appeals to children; and

637 (vi) discloses each active or potentially active ingredient, in order of prominence, and
638 possible allergen; and

639 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
640 container that:

641 (i) is tamper evident and tamper resistant;

642 (ii) does not appeal to children;

643 (iii) does not mimic a candy container;

644 (iv) complies with child-resistant effectiveness standards that the United States
645 Consumer Product Safety Commission establishes;

646 (v) includes a warning label that states:

647 (A) for a container labeled before July 1, 2021, "WARNING: Cannabis has

648 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
649 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
650 only as directed by a qualified medical provider.";

651 (B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has
652 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
653 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
654 only as directed by a recommending medical provider."; or

655 (C) for a container labeled on or after January 1, 2024, "WARNING: Cannabis has
656 intoxicating effects, may be addictive, and may increase risk of mental illness. Do not operate a
657 vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This
658 product is for medical use only. Use only as directed by a recommending medical provider.";
659 and

660 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or
661 after May 3, 2023, includes a warning label that states:

662 (A) "WARNING: Vaping of cannabis-derived products has been associated with lung
663 injury."; and

664 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung injury.".

665 (2) To ensure that a cannabis product that a cannabis processing facility processes or
666 produces has a medical rather than recreational disposition, the facility may not produce or
667 process a product whose name includes terms related to recreational marijuana, including
668 "weed," "pot," "reefer," "grass," "hash," "ganga," "Mary Jane," "high," "buzz," "haze,"
669 "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies,"
670 "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."

671 [~~2~~] (3) For any cannabis or cannabis product that the cannabis processing facility
672 processes into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
673 rectangular cuboid shape, the facility shall:

674 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
675 other image of the content of the container; and

676 (b) include on the label described in Subsection (1)(a) a warning about the risks of
677 over-consumption.

678 [~~3~~] (4) For any cannabis product that contains an artificially derived cannabinoid, the

679 cannabis processing facility shall ensure that the label clearly:

680 (a) identifies each artificially derived cannabinoid; and

681 (b) identifies that each artificially derived cannabinoid is an artificially derived
682 cannabinoid.

683 ~~[(4)]~~ (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
684 Act, the department:

685 (a) shall make rules to establish:

686 (i) a standard labeling format that:

687 (A) complies with the requirements of this section; and

688 (B) ensures inclusion of a pharmacy label; and

689 (ii) additional requirements on packaging for cannabis and cannabis products to ensure
690 safety and product quality; and

691 (b) may make rules to further define standards regarding images, words, phrases, or
692 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).

693 Section 6. Section **4-41a-604** is enacted to read:

694 **4-41a-604. Advertising.**

695 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
696 department may make rules establishing conditions under which a cannabis processing facility
697 may engage in targeted marketing.

698 Section 7. Section **4-41a-802** is amended to read:

699 **4-41a-802. Report.**

700 (1) At or before the November interim meeting each year, the department shall report
701 to the Health and Human Services Interim Committee on:

702 (a) the number of applications and renewal applications that the department receives
703 under this chapter;

704 (b) the number of each type of cannabis production facility that the department licenses
705 in each county;

706 (c) the amount of cannabis that licensees grow;

707 (d) the amount of cannabis that licensees manufacture into cannabis products;

708 (e) the number of licenses the department revokes under this chapter;

709 (f) the department's operation of an independent cannabis testing laboratory under

710 Section [4-41a-201](#), including:

- 711 (i) the cannabis and cannabis products the department tested; and
- 712 (ii) the results of the tests the department performed; [~~and~~]
- 713 (g) the expenses incurred and revenues generated under this chapter[-]; and
- 714 (h) an analysis of product availability in medical cannabis pharmacies in consultation
- 715 with the Department of Health and Human Services.

716 (2) The department may not include personally identifying information in the report
717 described in this section.

718 (3) The department shall report to the working group described in Section [36-12-8.2](#) as
719 requested by the working group.

720 Section 8. Section **4-41a-1001** is amended to read:

721 **4-41a-1001. Medical cannabis pharmacy -- License -- Eligibility.**

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

724 (2) (a) (i) Subject to Subsections (4) and (5) and to Section [4-41a-1005](#), the department
725 shall issue a license to operate a medical cannabis pharmacy [~~in accordance with Title 63G,~~
726 ~~Chapter 6a, Utah Procurement Code~~] through the licensing board created under Section
727 [4-41a-201.1](#).

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

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

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

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

735 (A) for a publicly traded company, has a financial or voting interest of 10% or greater
736 in the proposed medical cannabis pharmacy;

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

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

741 (iii) for each application that the applicant submits to the department, a statement from
742 the applicant that the applicant will obtain and maintain:

743 (A) a performance bond in the amount of \$100,000 issued by a surety authorized to
744 transact surety business in the state; or

745 (B) a liquid cash account in the amount of \$100,000 with a financial institution;

746 (iv) an operating plan that:

747 (A) complies with Section 4-41a-1004;

748 (B) includes operating procedures to comply with the operating requirements for a
749 medical cannabis pharmacy described in this part and with a relevant municipal or county law
750 that is consistent with Section 4-41a-1106; and

751 (C) the department approves;

752 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
753 department sets in accordance with Section 63J-1-504; and

754 (vi) a description of any investigation or adverse action taken by any licensing
755 jurisdiction, government agency, law enforcement agency, or court in any state for any
756 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
757 or businesses.

758 (c) (i) A person may not locate a medical cannabis pharmacy:

759 (A) within 200 feet of a community location; or

760 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
761 as primarily residential.

762 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
763 from the nearest entrance to the medical cannabis pharmacy establishment by following the
764 shortest route of ordinary pedestrian travel to the property boundary of the community location
765 or residential area.

766 (iii) The department may grant a waiver to reduce the proximity requirements in
767 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
768 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

769 (iv) An applicant for a license under this section shall provide evidence of compliance
770 with the proximity requirements described in Subsection (2)(c)(i).

771 (d) The department may not issue a license to an eligible applicant that the department

772 has selected to receive a license until the selected eligible applicant complies with the bond or
773 liquid cash requirement described in Subsection (2)(b)(iii).

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

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

779 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
780 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

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

783 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the
784 department sets in accordance with Section 63J-1-504, for any change in location, ownership,
785 or company structure.

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

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

789 (i) a felony; or

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

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

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

793 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
794 another license under this chapter, the department may not give preference to the applicant
795 based on the applicant's status as a holder of the license.

796 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
797 license to operate a cannabis cultivation facility under this section, the department may give
798 consideration to the applicant's status as a holder of the license if:

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

801 (ii) the department finds multiple other factors, in addition to the existing license, that
802 support granting the new license.

803 (6) (a) The [~~department~~] licensing board may revoke a license under this part:
804 (i) if the medical cannabis pharmacy does not begin operations within one year after
805 the day on which the department issues an announcement of the department's intent to award a
806 license to the medical cannabis pharmacy;
807 (ii) after the third the same violation of this chapter in any of the licensee's licensed
808 cannabis production establishments or medical cannabis pharmacies;
809 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
810 active, under state or federal law of:
811 (A) a felony; or
812 (B) after December 3, 2018, a misdemeanor for drug distribution;
813 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
814 the time of application, or fails to supplement the information described in Subsection
815 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
816 application within 14 calendar days after the licensee receives notice of the investigation or
817 adverse action;
818 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
819 the requirements of this chapter or the rules the department makes in accordance with this
820 chapter; [~~or~~]
821 (vi) if, after a change of ownership described in Subsection (11)(c), the department
822 determines that the medical cannabis pharmacy no longer meets the minimum standards for
823 licensure and operation of the medical cannabis pharmacy described in this chapter[~~;~~]; or
824 (vii) if through an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
825 board finds that the licensee has participated in anticompetitive business practices.
826 (b) The department shall rescind a notice of an intent to issue a license under this part
827 to an applicant or revoke a license issued under this part if the associated medical cannabis
828 pharmacy does not begin operation on or before June 1, 2021.
829 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
830 if the municipality or county where the licensed medical cannabis pharmacy will be located
831 requires a local land use permit, shall submit to the department a copy of the licensee's
832 approved application for the land use permit within 120 days after the day on which the
833 department issues the license.

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

837 (8) The department shall deposit the proceeds of a fee imposed by this section into the
838 Qualified Production Enterprise Fund.

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

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

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

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

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

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

848 (b) A medical cannabis pharmacy shall report in writing to the department no later than
849 10 business days before the date of any change of ownership of the medical cannabis
850 pharmacy.

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

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

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

856 (A) conduct an application review; and

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

861 (iii) if the department approves the license application, notwithstanding Subsection (3),
862 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
863 with Section 63J-1-504 in an amount that covers the ~~board's~~ department's cost of conducting
864 the application review.

865 Section 9. Section **4-41a-1005** is amended to read:

866 **4-41a-1005. Maximum number of licenses.**

867 (1) (a) Except as provided in ~~[Subsections]~~ Subsection (1)(b) or (d), if a sufficient
868 number of applicants apply, the department shall issue up to 15 medical cannabis pharmacy
869 licenses in accordance with this section.

870 (b) If an insufficient number of qualified applicants apply for the available number of
871 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy
872 license to each qualified applicant.

873 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
874 with this Subsection (1)(c).

875 (i) Using one procurement process, the department may issue eight licenses to an initial
876 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
877 pharmacies.

878 (ii) ~~[If the department issues licenses in two phases in accordance with Subsection~~
879 ~~(1)(c)(i), the]~~ The department shall:

880 (A) divide the state into no less than four geographic regions, set by the department in
881 rule;

882 (B) issue at least one license in each geographic region during each phase of issuing
883 licenses; and

884 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
885 July 1, 2020.

886 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
887 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
888 Carbon, Sevier, Emery, Grand, or San Juan County.

889 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
890 addition to the licenses described in Subsection (1)(a) if the department determines, in
891 consultation with the Department of Health and Human Services and after an annual or more
892 frequent analysis of the current and anticipated market for medical cannabis, that each
893 additional license is necessary to provide an adequate supply, quality, or variety of medical
894 cannabis to medical cannabis cardholders.

895 (ii) The department shall:

896 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
897 make rules to establish criteria and processes for the consultation, analysis, and application for
898 a license described in Subsection (1)(d)(i); and

899 (B) report to the Executive Appropriations Committee of the Legislature before each
900 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
901 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
902 criteria described in Subsection (1)(d)(ii)(A).

903 (2) (a) If there are more qualified applicants than there are available licenses for
904 medical cannabis pharmacies, the department shall:

905 (i) evaluate each applicant and award the license to the applicant that best
906 demonstrates:

907 (A) experience with establishing and successfully operating a business that involves
908 complying with a regulatory environment, tracking inventory, and training, evaluating, and
909 monitoring employees;

910 (B) an operating plan that will best ensure the safety and security of patrons and the
911 community;

912 (C) positive connections to the local community;

913 (D) the suitability of the proposed location and the location's accessibility for
914 qualifying patients;

915 (E) the extent to which the applicant can increase efficiency and reduce the cost of
916 medical cannabis for patients; and

917 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a comparatively
918 high likelihood of success; and

919 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
920 maximize access to the largest number of medical cannabis cardholders.

921 (b) In making the evaluation described in Subsection (2)(a), the department may give
922 increased consideration to applicants who indicate a willingness to:

923 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
924 medical cannabis orders that the state central patient portal facilitates; and

925 (ii) accept payments through:

926 (A) a payment provider that the Division of Finance approves, in consultation with the

927 state treasurer, in accordance with Section 4-41a-108; or

928 (B) a financial institution in accordance with Subsection 4-41a-108(4).

929 (3) The department may conduct a face-to-face interview with an applicant for a
930 license that the department evaluates under Subsection (2).

931 Section 10. Section 4-41a-1101 is amended to read:

932 **4-41a-1101. Operating requirements -- General.**

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

934 (i) at the physical address provided to the department under Section 4-41a-1001; and

935 (ii) in accordance with the operating plan provided to the department under Section
936 4-41a-1001 and, if applicable, Section 4-41a-1004.

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

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

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

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

942 (i) possesses a valid:

943 (A) medical cannabis pharmacy agent registration card;

944 (B) pharmacy medical provider registration card; or

945 (C) medical cannabis card;

946 (ii) is an employee of the department performing an inspection under Section

947 4-41a-1103; or

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

949 (3) A medical cannabis pharmacy may not employ an individual who is younger than
950 21 years old.

951 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
952 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
953 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
954 the individual at all times while the individual is at the medical cannabis pharmacy and
955 maintains a record of the individual's access.

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

957 (a) a single, secure public entrance;

- 958 (b) a security system with a backup power source that:
- 959 (i) detects and records entry into the medical cannabis pharmacy; and
- 960 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 961 cannabis pharmacy is closed; and
- 962 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 963 cannabis product.
- 964 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
- 965 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 966 [4-41a-1102\(2\)](#).
- 967 (7) Except for an emergency situation described in Subsection [26B-4-213\(3\)\(c\)](#), a
- 968 medical cannabis pharmacy may not allow any individual to consume cannabis on the property
- 969 or premises of the medical cannabis pharmacy.
- 970 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
- 971 first indicating on the cannabis or cannabis product label the name of the medical cannabis
- 972 pharmacy.
- 973 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 974 following information regarding each recommendation underlying a transaction:
- 975 (i) the recommending medical provider's name, address, and telephone number;
- 976 (ii) the patient's name and address;
- 977 (iii) the date of issuance;
- 978 (iv) directions of use and dosing guidelines or an indication that the recommending
- 979 medical provider did not recommend specific directions of use or dosing guidelines; and
- 980 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 981 cardholder who completed the transaction.
- 982 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 983 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
- 984 container indicating the following minimum information:
- 985 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 986 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 987 (C) the date of the sale;
- 988 (D) the name of the patient;

989 (E) the name of the recommending medical provider who recommended the medical
990 cannabis treatment;

991 (F) directions for use and cautionary statements, if any;

992 (G) the amount dispensed and the cannabinoid content;

993 (H) the suggested use date;

994 (I) for unprocessed cannabis flower, the legal use termination date; and

995 (J) any other requirements that the department determines, in consultation with the
996 Division of Professional Licensing and the Board of Pharmacy.

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

1000 (A) a unique identification number;

1001 (B) directions for use and cautionary statements;

1002 (C) amount and cannabinoid content; and

1003 (D) a suggested use date.

1004 (iii) If the size of a medical cannabis container does not allow sufficient space to
1005 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
1006 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
1007 supplemental label attached to the container or an informational enclosure that accompanies the
1008 container:

1009 (A) the cannabinoid content;

1010 (B) the suggested use date; and

1011 (C) any other requirements that the department determines.

1012 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1013 cannabis pharmacy without a label described in Subsection (9)(b)(i).

1014 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1015 (a) upon receipt of an order from a limited medical provider in accordance with
1016 Subsections [26B-4-204\(1\)\(b\)](#) through (d):

1017 (i) for a written order or an electronic order under circumstances that the department
1018 determines, contact the limited medical provider or the limited medical provider's office to
1019 verify the validity of the recommendation; and

1020 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1021 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
1022 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
1023 or renewal, including any associated directions of use, dosing guidelines, or caregiver
1024 indication, in the state electronic verification system;

1025 (b) in processing an order for a holder of a conditional medical cannabis card described
1026 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of the
1027 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1028 medical provider or the recommending medical provider's office to verify the validity of the
1029 recommendation before processing the cardholder's order;

1030 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1031 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a purchase of
1032 cannabis, a cannabis product, or a medical cannabis device, personal counseling with the
1033 pharmacy medical provider; and

1034 (d) provide a telephone number or website by which the cardholder may contact a
1035 pharmacy medical provider for counseling.

1036 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1037 that allows an individual to deposit unused or excess medical cannabis~~[;]~~ or cannabis residue
1038 from a medical cannabis device~~[; or medical cannabis product]~~ in a locked box or other secure
1039 receptacle within the medical cannabis pharmacy.

1040 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1041 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1042 can access deposited medical cannabis ~~[or medical cannabis products]~~.

1043 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis ~~[or~~
1044 ~~medical cannabis products]~~ by:

1045 (i) rendering the deposited medical cannabis ~~[or medical cannabis products]~~ unusable
1046 and unrecognizable before transporting deposited medical cannabis ~~[or medical cannabis~~
1047 ~~products]~~ from the medical cannabis pharmacy; and

1048 (ii) disposing of the deposited medical cannabis ~~[or medical cannabis products]~~ in
1049 accordance with:

1050 (A) federal and state law, rules, and regulations related to hazardous waste;

1051 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1052 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1053 (D) other regulations that the department makes in accordance with Title 63G, Chapter

1054 3, Utah Administrative Rulemaking Act.

1055 (12) A medical cannabis pharmacy:

1056 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy

1057 Practice Act, as a pharmacy medical provider;

1058 (b) may employ a physician who has the authority to write a prescription and is

1059 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah

1060 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1061 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a)

1062 works onsite during all business hours;

1063 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as

1064 the pharmacists-in-charge to oversee the operation of and generally supervise the medical

1065 cannabis pharmacy; and

1066 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis

1067 products the medical cannabis pharmacy maintains in the medical cannabis pharmacy's

1068 inventory.

1069 ~~[(12)]~~ (13) The department shall establish by rule, in accordance with Title 63G,

1070 Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and

1071 cannabis products by a medical cannabis pharmacy.

1072 Section 11. Section **4-41a-1102** is amended to read:

1073 **4-41a-1102. Dispensing -- Amount a medical cannabis pharmacy may dispense --**

1074 **Reporting -- Form of cannabis or cannabis product.**

1075 (1) (a) A medical cannabis pharmacy may not sell a product other than:

1076 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired

1077 from another medical cannabis pharmacy or a cannabis processing facility that is licensed

1078 under Section [4-41a-201](#);

1079 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy

1080 acquired from another medical cannabis pharmacy or a cannabis processing facility that is

1081 licensed under Section [4-41a-201](#);

- 1082 (iii) a medical cannabis device; or
- 1083 (iv) educational material related to the medical use of cannabis.
- 1084 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
- 1085 an individual with:
 - 1086 (i) (A) a medical cannabis card; or
 - 1087 (B) a Department of Health and Human Services registration described in Subsection
 - 1088 [26B-4-213](#)(10); and
 - 1089 (ii) except as provided in Subsection (7), a corresponding government issued photo
 - 1090 identification.
 - 1091 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
 - 1092 cannabis-based drug that the United States Food and Drug Administration has approved.
 - 1093 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
 - 1094 medical cannabis device or medical cannabis [~~product~~] to an individual described in
 - 1095 Subsection [26B-4-213](#)(2)(a)(i)(B) or to a minor described in Subsection [26B-4-213](#)(2)(c)
 - 1096 unless the individual or minor has the approval of the Compassionate Use Board in accordance
 - 1097 with Subsection [26B-1-421](#)(5).
 - 1098 (2) A medical cannabis pharmacy:
 - 1099 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
 - 1100 legal dosage limit of:
 - 1101 (i) unprocessed cannabis that:
 - 1102 (A) is in a medicinal dosage form; and
 - 1103 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
 - 1104 cannabidiol in the cannabis; and
 - 1105 (ii) a cannabis product that is in a medicinal dosage form; and
 - 1106 (b) may not dispense:
 - 1107 (i) except for a medical cannabis cardholder approved under Subsection [26B-4-245](#)(2),
 - 1108 more medical cannabis than described in Subsection (2)(a); or
 - 1109 (ii) to an individual whose recommending medical provider did not recommend
 - 1110 directions of use and dosing guidelines, until the individual consults with the pharmacy
 - 1111 medical provider in accordance with Subsection [26B-4-231](#)(5) any medical cannabis.
 - 1112 (3) (a) A medical cannabis pharmacy shall:

1113 (i) (A) access the state electronic verification system before dispensing cannabis or a
1114 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
1115 where applicable, the associated patient has met the maximum amount of medical cannabis
1116 described in Subsection (2); and

1117 (B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has met
1118 the maximum amount described in Subsection (2), decline the sale, and notify the
1119 recommending medical provider who made the underlying recommendation;

1120 (ii) submit a record to the state electronic verification system each time the medical
1121 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1122 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1123 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
1124 accordance with pharmacy practice standards;

1125 (iv) package any medical cannabis that is in a container that:

1126 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a
1127 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
1128 Section 26B-4-201;

1129 (B) is tamper-resistant and tamper-evident; and

1130 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
1131 transporting the container in public;

1132 (v) for a product that is a cube that is designed for ingestion through chewing or
1133 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
1134 of over-consumption; and

1135 (vi) beginning January 1, 2024, for a cannabis product that is cannabis flower,
1136 vaporizer cartridges, or concentrate, provide the product's terpene profiles collected under
1137 Subsection 4-41a-602(4) at or before the point of sale.

1138 (b) A medical cannabis cardholder transporting or possessing the container described
1139 in Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box that the
1140 medical cannabis pharmacist provides.

1141 (4) (a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not
1142 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
1143 intentionally designed or constructed to resemble a cigarette.

1144 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1145 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
1146 individual's respiratory system.

1147 (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
1148 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

1149 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
1150 the medical use of cannabis.

1151 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices
1152 regardless of whether the seller has a cannabis-related license under this chapter or Title 26B,
1153 Utah Health and Human Services Code.

1154 (7) A pharmacy medical provider who is a pharmacist may accept alternative evidence
1155 of a medical cannabis cardholder's identity as determined appropriate by the pharmacist, if:

1156 (a) the individual does not have the individual's government issued photo identification
1157 at the time of pickup; and

1158 (b) the pharmacist documents in a record kept by the medical cannabis pharmacy a
1159 description of how the individual was positively identified.

1160 Section 12. Section **4-41a-1106** is amended to read:

1161 **4-41a-1106. Medical cannabis pharmacy agent -- Registration.**

1162 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1163 cannabis pharmacy unless the department registers the individual as a medical cannabis
1164 pharmacy agent.

1165 (2) A recommending medical provider may not act as a medical cannabis pharmacy
1166 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
1167 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1168 (3) (a) The department shall, within 15 days after the day on which the department
1169 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1170 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1171 registration card to the prospective agent if the medical cannabis pharmacy:

1172 (i) provides to the department:

1173 (A) the prospective agent's name and address;

1174 (B) the name and location of the licensed medical cannabis pharmacy where the

1175 prospective agent seeks to act as the medical cannabis pharmacy agent; and
1176 (C) the submission required under Subsection (3)(b); and
1177 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),
1178 the department sets in accordance with Section 63J-1-504.

1179 (b) Each prospective agent described in Subsection (3)(a) shall:
1180 (i) submit to the department:
1181 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
1182 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1183 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1184 Generation Identification System's Rap Back Service; and
1185 (ii) consent to a fingerprint background check by:
1186 (A) the Bureau of Criminal Identification; and
1187 (B) the Federal Bureau of Investigation.
1188 (c) The Bureau of Criminal Identification shall:
1189 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
1190 the applicable state, regional, and national criminal records databases, including the Federal
1191 Bureau of Investigation Next Generation Identification System;
1192 (ii) report the results of the background check to the department;
1193 (iii) maintain a separate file of fingerprints that prospective agents submit under
1194 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1195 databases, including latent prints;
1196 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1197 Generation Identification System's Rap Back Service for search by future submissions to
1198 national criminal records databases, including the Next Generation Identification System and
1199 latent prints; and
1200 (v) establish a privacy risk mitigation strategy to ensure that the department only
1201 receives notifications for an individual with whom the department maintains an authorizing
1202 relationship.
1203 (d) The department shall:
1204 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1205 amount that the department sets in accordance with Section 63J-1-504 for the services that the

1206 Bureau of Criminal Identification or another authorized agency provides under this section; and
1207 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1208 Identification.

1209 (4) The department shall designate, on an individual's medical cannabis pharmacy
1210 agent registration card the name of the medical cannabis pharmacy where the individual is
1211 registered as an agent.

1212 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1213 the department develops in collaboration with the Division of Professional Licensing and the
1214 Board of Pharmacy, or a third-party certification standard that the department designates by
1215 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1216 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1217 (6) The department shall ensure that the certification standard described in Subsection
1218 (5) includes training in:

- 1219 (a) Utah medical cannabis law; and
- 1220 (b) medical cannabis pharmacy best practices.

1221 (7) The department may revoke the medical cannabis pharmacy agent registration card
1222 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1223 who:

- 1224 (a) violates the requirements of this chapter; or
- 1225 (b) is convicted under state or federal law of:
 - 1226 (i) a felony within the preceding 10 years; or
 - 1227 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1228 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1229 day on which the department issues or renews the card.

1230 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1231 agent:

- 1232 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1233 section;
- 1234 (ii) certifies to the department in a renewal application that the information in
1235 Subsection (3)(a) is accurate or updates the information; and
- 1236 (iii) pays to the department a renewal fee in an amount that:

1237 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section
1238 63J-1-504; and

1239 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1240 comparison to the original application process.

1241 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
1242 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1243 (i) complete at least one hour of continuing education regarding patient privacy and
1244 federal health information privacy laws that is offered by the department under Subsection
1245 (9)(b) or an accredited or approved continuing education provider that the department
1246 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
1247 practice; and

1248 (ii) make a continuing education report to the department in accordance with a process
1249 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1250 Administrative Rulemaking Act, and in collaboration with the Division of Professional
1251 Licensing and the Board of Pharmacy.

1252 (b) The department may, in consultation with the Division of Professional Licensing,
1253 develop the continuing education described in this Subsection (9).

1254 (c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each
1255 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
1256 the state electronic verification system is in compliance with this Subsection (9).

1257 (d) A medical cannabis pharmacy agent may not access the electronic verification
1258 system following the termination of their employment.

1259 (10) A medical cannabis pharmacy shall:

1260 (a) maintain a list of employees that have a medical cannabis pharmacy agent
1261 registration card; and

1262 (b) provide the list to the department upon request.

1263 Section 13. Section 26B-1-421 is amended to read:

1264 **26B-1-421. Compassionate Use Board.**

1265 (1) The definitions in Section 26B-4-201 apply to this section.

1266 (2) (a) The department shall establish a Compassionate Use Board consisting of:

1267 (i) seven qualified medical providers that the executive director appoints [~~and the~~

- 1268 ~~Senate confirms]~~ with the advice and consent of the Senate:
- 1269 (A) who are knowledgeable about the medicinal use of cannabis;
- 1270 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
1271 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 1272 (C) who are board certified by the American Board of Medical Specialties or an
1273 American Osteopathic Association Specialty Certifying Board in the specialty of neurology,
1274 pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal
1275 medicine, pediatrics, family medicine, or gastroenterology; and
- 1276 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
1277 executive director or the director's designee.
- 1278 (b) In appointing the seven qualified medical providers described in Subsection (2)(a),
1279 the executive director shall ensure that at least two have a board certification in pediatrics.
- 1280 (3) (a) Of the members of the Compassionate Use Board that the executive director
1281 first appoints:
- 1282 (i) three shall serve an initial term of two years; and
- 1283 (ii) the remaining members shall serve an initial term of four years.
- 1284 (b) After an initial term described in Subsection (3)(a) expires:
- 1285 (i) each term is four years; and
- 1286 (ii) each board member is eligible for reappointment.
- 1287 (c) A member of the Compassionate Use Board may serve until a successor is
1288 appointed.
- 1289 (d) Four members constitute a quorum of the Compassionate Use Board.
- 1290 (4) A member of the Compassionate Use Board may receive:
- 1291 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
1292 service; and
- 1293 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
1294 Division of Finance in accordance with Section 63A-3-107.
- 1295 (5) The Compassionate Use Board shall:
- 1296 (a) review and recommend for department approval a petition to the board regarding an
1297 individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection
1298 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis

1299 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
1300 period of validity, if:

1301 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
1302 the individual's [~~qualified~~] recommending medical provider is actively treating the individual
1303 for an intractable condition that:

1304 (A) substantially impairs the individual's quality of life; and

1305 (B) has not, in the [~~qualified~~] recommending medical provider's professional opinion,
1306 adequately responded to conventional treatments;

1307 (ii) the [~~qualified~~] recommending medical provider:

1308 (A) recommends that the individual or minor be allowed to use medical cannabis; and

1309 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
1310 describing relevant treatment history including rationale for considering the use of medical
1311 cannabis; and

1312 (iii) the Compassionate Use Board determines that:

1313 (A) the recommendation of the individual's [~~qualified~~] recommending medical
1314 provider is justified; and

1315 (B) based on available information, it may be in the best interests of the individual to
1316 allow the use of medical cannabis;

1317 (b) when a [~~qualified~~] recommending medical provider recommends that an individual
1318 described in Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection

1319 26B-4-213(2)(c) be allowed to use a medical cannabis device or [~~medical cannabis product~~]
1320 medical cannabis to vaporize a medical cannabis treatment, review and approve or deny the use
1321 of the medical cannabis device or [~~medical cannabis product~~] medical cannabis;

1322 (c) unless no petitions are pending:

1323 (i) meet to receive or review compassionate use petitions at least quarterly; and

1324 (ii) if there are more petitions than the board can receive or review during the board's
1325 regular schedule, as often as necessary;

1326 (d) except as provided in Subsection (6), complete a review of each petition and
1327 recommend to the department approval or denial of the applicant for qualification for a medical
1328 cannabis card within 90 days after the day on which the board received the petition;

1329 (e) consult with the department regarding the criteria described in Subsection (6); and

1330 (f) report, before November 1 of each year, to the Health and Human Services Interim
1331 Committee:

1332 (i) the number of compassionate use recommendations the board issued during the past
1333 year; and

1334 (ii) the types of conditions for which the board recommended compassionate use.

1335 (6) The department shall make rules, in consultation with the Compassionate Use
1336 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
1337 establish a process and criteria for a petition to the board to automatically qualify for expedited
1338 final review and approval or denial by the department in cases where, in the determination of
1339 the department and the board:

1340 (a) time is of the essence;

1341 (b) engaging the full review process would be unreasonable in light of the petitioner's
1342 physical condition; and

1343 (c) sufficient factors are present regarding the petitioner's safety.

1344 (7) (a) (i) The department shall review:

1345 (A) any compassionate use for which the Compassionate Use Board recommends
1346 approval under Subsection (5)(d) to determine whether the board properly exercised the board's
1347 discretion under this section; and

1348 (B) any expedited petitions the department receives under the process described in
1349 Subsection (6).

1350 (ii) If the department determines that the Compassionate Use Board properly exercised
1351 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited
1352 petition merits approval based on the criteria established in accordance with Subsection (6), the
1353 department shall:

1354 (A) issue the relevant medical cannabis card; and

1355 (B) provide for the renewal of the medical cannabis card in accordance with the
1356 recommendation of the [~~qualified~~] recommending medical provider described in Subsection
1357 (5)(a).

1358 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),
1359 the individual seeking to obtain a medical cannabis card may petition the department to review
1360 the board's decision.

1361 (ii) If the department determines that the Compassionate Use Board's recommendation
1362 for denial under Subsection (5)(d) was arbitrary or capricious:

1363 (A) the department shall notify the Compassionate Use Board of the department's
1364 determination; and

1365 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend
1366 approval under this section.

1367 (c) In reviewing the Compassionate Use Board's recommendation for approval or
1368 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
1369 presume the board properly exercised the board's discretion unless the department determines
1370 that the board's recommendation was arbitrary or capricious.

1371 (8) Any individually identifiable health information contained in a petition that the
1372 Compassionate Use Board or department receives under this section is a protected record in
1373 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

1374 (9) The Compassionate Use Board shall annually report the board's activity to the
1375 Cannabis Research Review Board and the advisory board.

1376 Section 14. Section **26B-4-201** is amended to read:

1377 **26B-4-201. Definitions.**

1378 As used in this part:

1379 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1380 tetrahydrocannabinolic acid.

1381 (2) "Administration of criminal justice" means the performance of detection,
1382 apprehension, detention, pretrial release, post-trial release, prosecution, and adjudication.

1383 [~~2~~] (3) "Advertise" or "advertising" means information provided by a medical
1384 cannabis pharmacy in any medium:

1385 (a) to the public; and

1386 (b) that is not age restricted to an individual who is at least 21 years old.

1387 [~~3~~] (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created
1388 in Section **26B-1-435**.

1389 [~~4~~] (5) "Cannabis Research Review Board" means the Cannabis Research Review
1390 Board created in Section **26B-1-420**.

1391 [~~5~~] (6) "Cannabis" means marijuana.

1392 ~~[(6)]~~ (7) "Cannabis cultivation facility" means the same as that term is defined in
1393 Section [4-41a-102](#).

1394 ~~[(7)]~~ (8) "Cannabis processing facility" means the same as that term is defined in
1395 Section [4-41a-102](#).

1396 ~~[(8)]~~ (9) "Cannabis product" means a product that:

1397 (a) is intended for human use; and

1398 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1399 concentration of 0.3% or greater on a dry weight basis.

1400 ~~[(9)]~~ (10) "Cannabis production establishment" means the same as that term is defined
1401 in Section [4-41a-102](#).

1402 ~~[(10)]~~ (11) "Cannabis production establishment agent" means the same as that term is
1403 defined in Section [4-41a-102](#).

1404 ~~[(11)]~~ (12) "Cannabis production establishment agent registration card" means the
1405 same as that term is defined in Section [4-41a-102](#).

1406 ~~[(12)]~~ (13) "Community location" means a public or private elementary or secondary
1407 school, a church, a public library, a public playground, or a public park.

1408 ~~[(13)]~~ (14) "Conditional medical cannabis card" means an electronic medical cannabis
1409 card that the department issues in accordance with Subsection [26B-4-213](#)(1)(b) to allow an
1410 applicant for a medical cannabis card to access medical cannabis during the department's
1411 review of the application.

1412 ~~[(14)]~~ (15) "Controlled substance database" means the controlled substance database
1413 created in Section [58-37f-201](#).

1414 ~~[(15)]~~ (16) "Delivery address" means~~[:]~~ the same as that term is defined in Section
1415 [4-41a-102](#).

1416 ~~[(a) for a medical cannabis cardholder who is not a facility, the medical cannabis~~
1417 ~~cardholder's home address; or]~~

1418 ~~[(b) for a medical cannabis cardholder that is a facility, the facility's address.]~~

1419 ~~[(16)]~~ (17) "Department" means the Department of Health and Human Services.

1420 ~~[(17)]~~ (18) "Designated caregiver" means:

1421 (a) an individual:

1422 (i) whom an individual with a medical cannabis patient card or a medical cannabis

- 1423 guardian card designates as the patient's caregiver; and
- 1424 (ii) who registers with the department under Section [26B-4-214](#); or
- 1425 (b) (i) a facility that an individual designates as a designated caregiver in accordance
- 1426 with Subsection [26B-4-214\(1\)\(b\)](#); or
- 1427 (ii) an assigned employee of the facility described in Subsection [26B-4-214\(1\)\(b\)\(ii\)](#).
- 1428 ~~[(18)]~~ (19) "Directions of use" means recommended routes of administration for a
- 1429 medical cannabis treatment and suggested usage guidelines.
- 1430 ~~[(19)]~~ (20) "Dosing guidelines" means a quantity range and frequency of administration
- 1431 for a recommended treatment of medical cannabis.
- 1432 ~~[(20)]~~ (21) "Financial institution" means a bank, trust company, savings institution, or
- 1433 credit union, chartered and supervised under state or federal law.
- 1434 ~~[(21)]~~ (22) "Government issued photo identification" means any of the following forms
- 1435 of identification:
- 1436 (a) a valid state-issued driver license or identification card;
- 1437 (b) a valid United States federal-issued photo identification, including:
- 1438 (i) a United States passport;
- 1439 (ii) a United States passport card;
- 1440 (iii) a United States military identification card; or
- 1441 (iv) a permanent resident card or alien registration receipt card; or
- 1442 (c) a foreign passport.
- 1443 ~~[(22)]~~ (23) "Home delivery medical cannabis pharmacy" means a medical cannabis
- 1444 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
- 1445 cannabis shipments to a delivery address to fulfill electronic orders that the state central patient
- 1446 portal facilitates.
- 1447 ~~[(23)]~~ (24) "Inventory control system" means the system described in Section
- 1448 [4-41a-103](#).
- 1449 ~~[(24)]~~ (25) "Legal dosage limit" means an amount that:
- 1450 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1451 relevant recommending medical provider or the state central patient portal or pharmacy
- 1452 medical provider, in accordance with Subsection [26B-4-230\(5\)](#), recommends; and
- 1453 (b) may not exceed:

- 1454 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1455 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
- 1456 greater than 20 grams of active tetrahydrocannabinol.

1457 ~~[(25)]~~ (26) "Legal use termination date" means a date on the label of a container of
1458 unprocessed cannabis flower:

- 1459 (a) that is 60 days after the date of purchase of the cannabis; and
- 1460 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 1461 primary residence of the relevant medical cannabis patient cardholder.

1462 ~~[(26)]~~ (27) "Limited medical provider" means an individual who:

- 1463 (a) meets the recommending qualifications; and
- 1464 (b) has no more than 15 patients with a valid medical cannabis patient card or
- 1465 provisional patient card as a result of the individual's recommendation, in accordance with
- 1466 Subsection 26B-4-204(1)(b).

1467 ~~[(27)]~~ (28) "Marijuana" means the same as that term is defined in Section 58-37-2.

1468 ~~[(28)]~~ (29) "Medical cannabis" means cannabis in a medicinal dosage form or a
1469 cannabis product in a medicinal dosage form.

1470 ~~[(29)]~~ (30) "Medical cannabis card" means a medical cannabis patient card, a medical
1471 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
1472 card.

1473 ~~[(30)]~~ (31) "Medical cannabis cardholder" means:

- 1474 (a) a holder of a medical cannabis card; or
- 1475 (b) a facility or assigned employee, described in ~~[Subsection(17)(b)]~~ Subsection
1476 (18)(b), only:

- 1477 (i) within the scope of the facility's or assigned employee's performance of the role of a
- 1478 medical cannabis patient cardholder's caregiver designation under Subsection 26B-4-214(1)(b);
- 1479 and

- 1480 (ii) while in possession of documentation that establishes:

- 1481 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1482 (B) the identity of the individual presenting the documentation; and
- 1483 (C) the relation of the individual presenting the documentation to the caregiver
- 1484 designation.

1485 [~~(31)~~] (32) "Medical cannabis caregiver card" means an electronic document that a
1486 cardholder may print or store on an electronic device or a physical card or document that:

1487 (a) the department issues to an individual whom a medical cannabis patient cardholder
1488 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1489 (b) is connected to the electronic verification system.

1490 [~~(32)~~] (33) "Medical cannabis courier" means the same as that term is defined in
1491 Section 4-41a-102.

1492 [~~(33)~~] (34) "Medical cannabis courier agent" means the same as that term is defined in
1493 Section 4-41a-102.

1494 [~~(34)~~] (35) (a) "Medical cannabis device" means a device that an individual uses to
1495 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
1496 dosage form.

1497 (b) "Medical cannabis device" does not include a device that:

1498 (i) facilitates cannabis combustion; or

1499 (ii) an individual uses to ingest substances other than cannabis.

1500 [~~(35)~~] (36) "Medical cannabis guardian card" means an electronic document that a
1501 cardholder may print or store on an electronic device or a physical card or document that:

1502 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1503 condition; and

1504 (b) is connected to the electronic verification system.

1505 [~~(36)~~] (37) "Medical cannabis patient card" means an electronic document that a
1506 cardholder may print or store on an electronic device or a physical card or document that:

1507 (a) the department issues to an individual with a qualifying condition; and

1508 (b) is connected to the electronic verification system.

1509 [~~(37)~~] (38) "Medical cannabis pharmacy" means a person that:

1510 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
1511 medicinal dosage form from a cannabis processing facility or another medical cannabis
1512 pharmacy or a medical cannabis device; or

1513 (ii) possesses medical cannabis or a medical cannabis device; and

1514 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1515 cannabis cardholder.

1516 [(38)] (39) "Medical cannabis pharmacy agent" means an individual who holds a valid
1517 medical cannabis pharmacy agent registration card issued by the department.

1518 [(39)] (40) "Medical cannabis pharmacy agent registration card" means a registration
1519 card issued by the department that authorizes an individual to act as a medical cannabis
1520 pharmacy agent.

1521 [(40)] (41) "Medical cannabis shipment" means the same as that term is defined in
1522 Section [4-41a-102](#).

1523 [(41)] (42) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
1524 cannabis product in a medicinal dosage form, or a medical cannabis device.

1525 [(42)] (43) (a) "Medicinal dosage form" means:

1526 (i) for processed medical cannabis [~~or a medical cannabis product~~], the following with
1527 a specific and consistent cannabinoid content:

1528 (A) a tablet;

1529 (B) a capsule;

1530 (C) a concentrated liquid or viscous oil;

1531 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

1532 (E) a topical preparation;

1533 (F) a transdermal preparation;

1534 (G) a sublingual preparation;

1535 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1536 rectangular cuboid shape;

1537 (I) a resin or wax; [~~or~~]

1538 (J) an aerosol; [~~or~~]

1539 (K) a suppository preparation; or

1540 (L) a soft or hard confection; or

1541 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:

1542 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
1543 stated weight at the time of packaging;

1544 (B) at any time the medical cannabis cardholder transports or possesses the container in
1545 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
1546 and

1547 (C) is labeled with the container's content and weight, the date of purchase, the legal
 1548 use termination date, and after December 31, 2020, a barcode that provides information
 1549 connected to an inventory control system.

1550 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1551 (i) the medical cannabis cardholder has recently removed from the container described
 1552 in Subsection [~~(42)(a)(ii)~~] (43)(a)(ii) for use; and

1553 (ii) does not exceed the quantity described in Subsection [~~(42)(a)(ii)~~] (43)(a)(ii).

1554 (c) "Medicinal dosage form" does not include:

1555 (i) any unprocessed cannabis flower outside of the container described in Subsection
 1556 [~~(42)(a)(ii)~~] (43)(a)(ii), except as provided in Subsection [~~(42)(b)~~] (43)(b);

1557 (ii) any unprocessed cannabis flower in a container described in Subsection
 1558 [~~(42)(a)(ii)~~] (43)(a)(ii) after the legal use termination date;

1559 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
 1560 on a nail or other metal object that is heated by a flame, including a blowtorch;

1561 (iv) a liquid suspension that is branded as a beverage; [~~or~~]

1562 (v) a substance described in Subsection [~~(42)(a)(i)~~] (43)(a)(i) or (ii) if the substance is
 1563 not measured in grams, milligrams, or milliliters[-]; or

1564 (vi) a substance that contains or is covered to any degree with chocolate.

1565 [~~(43)~~] (44) "Nonresident patient" means an individual who:

1566 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

1567 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
 1568 card under the laws of another state, district, territory, commonwealth, or insular possession of
 1569 the United States; and

1570 (c) has been diagnosed with a qualifying condition as described in Section [26B-4-203](#).

1571 [~~(44)~~] (45) "Payment provider" means an entity that contracts with a cannabis
 1572 production establishment or medical cannabis pharmacy to facilitate transfers of funds between
 1573 the establishment or pharmacy and other businesses or individuals.

1574 [~~(45)~~] (46) "Pharmacy medical provider" means the medical provider required to be on
 1575 site at a medical cannabis pharmacy under Section [26B-4-219](#).

1576 [~~(46)~~] (47) "Provisional patient card" means a card that:

1577 (a) the department issues to a minor with a qualifying condition for whom:

1578 (i) a recommending medical provider has recommended a medical cannabis treatment;
1579 and

1580 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1581 legal guardian; and

1582 (b) is connected to the electronic verification system.

1583 [~~47~~] (48) "Qualified medical provider" means an individual:

1584 (a) who meets the recommending qualifications; and

1585 (b) whom the department registers to recommend treatment with cannabis in a
1586 medicinal dosage form under Section [26B-4-204](#).

1587 [~~48~~] (49) "Qualified Patient Enterprise Fund" means the enterprise fund created in
1588 Section [26B-1-310](#).

1589 [~~49~~] (50) "Qualifying condition" means a condition described in Section [26B-4-203](#).

1590 [~~50~~] (51) "Recommend" or "recommendation" means, for a recommending medical
1591 provider, the act of suggesting the use of medical cannabis treatment, which:

1592 (a) certifies the patient's eligibility for a medical cannabis card; and

1593 (b) may include, at the recommending medical provider's discretion, directions of use,
1594 with or without dosing guidelines.

1595 [~~51~~] (52) "Recommending medical provider" means a qualified medical provider or a
1596 limited medical provider.

1597 [~~52~~] (53) "Recommending qualifications" means that an individual:

1598 (a) (i) has the authority to write a prescription;

1599 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1600 Controlled Substances Act; and

1601 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1602 prescribe a Schedule II controlled substance; and

1603 (b) is licensed as:

1604 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1605 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1606 Act;

1607 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1608 Chapter 68, Utah Osteopathic Medical Practice Act; or

1609 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1610 ~~[(53)]~~ (54) "State central patient portal" means the website the department creates, in
 1611 accordance with Section [26B-4-236](#), to facilitate patient safety, education, and an electronic
 1612 medical cannabis order.

1613 ~~[(54)]~~ (55) "State electronic verification system" means the system described in Section
 1614 [26B-4-202](#).

1615 ~~[(55)]~~ (56) "Targeted marketing" means ~~[the promotion by a medical cannabis~~
 1616 ~~pharmacy of a medical cannabis product, medical cannabis brand, or a medical cannabis device~~
 1617 ~~using any of the following methods:]~~ the same as that term is defined in Section [4-41a-102](#).

1618 ~~[(a) electronic communication to an individual who is at least 21 years old and has~~
 1619 ~~requested to receive promotional information from the medical cannabis pharmacy;]~~

1620 ~~[(b) an in-person marketing event that is:]~~

1621 ~~[(i) held inside a medical cannabis pharmacy; and]~~

1622 ~~[(ii) in an area where only a medical cannabis cardholder may access the event; or]~~

1623 ~~[(c) other marketing material that is physically available or digitally displayed in:]~~

1624 ~~[(i) a medical cannabis pharmacy; and]~~

1625 ~~[(ii) an area where only a medical cannabis cardholder has access].~~

1626 ~~[(56)]~~ (57) "Tetrahydrocannabinol" or "THC" means a substance derived from
 1627 cannabis or a synthetic equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

1628 ~~[(57)]~~ (58) "THC analog" means the same as that term is defined in Section [4-41-102](#).

1629 Section 15. Section **26B-4-202** is amended to read:

1630 **26B-4-202. Electronic verification system.**

1631 (1) The Department of Agriculture and Food, the department, the Department of Public
 1632 Safety, and the Division of Technology Services shall:

1633 (a) enter into a memorandum of understanding in order to determine the function and
 1634 operation of the state electronic verification system in accordance with Subsection (2);

1635 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 1636 Procurement Code, to develop a request for proposals for a third-party provider to develop and
 1637 maintain the state electronic verification system in coordination with the Division of
 1638 Technology Services; and

1639 (c) select a third-party provider who:

1640 (i) meets the requirements contained in the request for proposals issued under
1641 Subsection (1)(b); and
1642 (ii) may not have any commercial or ownership interest in a cannabis production
1643 establishment or a medical cannabis pharmacy.
1644 (2) The Department of Agriculture and Food, the department, the Department of Public
1645 Safety, and the Division of Technology Services shall ensure that the state electronic
1646 verification system described in Subsection (1):
1647 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1648 medical cannabis guardian card, provided that the card may not become active until:
1649 (i) the relevant qualified medical provider completes the associated medical cannabis
1650 recommendation; or
1651 (ii) for a medical cannabis card related to a limited medical provider's
1652 recommendation, the medical cannabis pharmacy completes the recording described in
1653 Subsection (2)(d);
1654 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1655 cannabis guardian card in accordance with Section [26B-4-213](#);
1656 (c) allows a qualified medical provider, or an employee described in Subsection (3)
1657 acting on behalf of the qualified medical provider, to:
1658 (i) access dispensing and card status information regarding a patient:
1659 (A) with whom the qualified medical provider has a provider-patient relationship; and
1660 (B) for whom the qualified medical provider has recommended or is considering
1661 recommending a medical cannabis card;
1662 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or a
1663 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;
1664 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
1665 medical cannabis guardian cardholder:
1666 (A) using telehealth services, for the qualified medical provider who originally
1667 recommended a medical cannabis treatment during a face-to-face visit with the patient; or
1668 (B) during a face-to-face visit with the patient, for a qualified medical provider who
1669 did not originally recommend the medical cannabis treatment during a face-to-face visit; and
1670 (iv) submit an initial application, renewal application, or application payment on behalf

1671 of an individual applying for any of the following:

1672 (A) a medical cannabis patient card;

1673 (B) a medical cannabis guardian card; or

1674 (C) a medical cannabis caregiver card;

1675 (d) allows a medical cannabis pharmacy medical provider or medical cannabis

1676 pharmacy agent, in accordance with Subsection 4-41a-1101(10)(a), to:

1677 (i) access the electronic verification system to review the history within the system of a

1678 patient with whom the provider or agent is interacting, limited to read-only access for medical

1679 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge

1680 authorizes add and edit access;

1681 (ii) record a patient's recommendation from a limited medical provider, including any

1682 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;

1683 (iii) record a limited medical provider's renewal of the provider's previous

1684 recommendation; and

1685 (iv) submit an initial application, renewal application, or application payment on behalf

1686 of an individual applying for any of the following:

1687 (A) a medical cannabis patient card;

1688 (B) a medical cannabis guardian card; or

1689 (C) a medical cannabis caregiver card;

1690 (e) connects with:

1691 (i) an inventory control system that a medical cannabis pharmacy uses to track in real

1692 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a

1693 medicinal dosage form, or a medical cannabis device, including:

1694 (A) the time and date of each purchase;

1695 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device

1696 purchased;

1697 (C) any cannabis production establishment, any medical cannabis pharmacy, or any

1698 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis

1699 device; and

1700 (D) the personally identifiable information of the medical cannabis cardholder who

1701 made the purchase; and

1702 (ii) any commercially available inventory control system that a cannabis production
1703 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
1704 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
1705 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
1706 track and confirm compliance;

1707 (f) provides access to:

1708 (i) the department to the extent necessary to carry out the department's functions and
1709 responsibilities under this part;

1710 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1711 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
1712 41a, Cannabis Production Establishments and Pharmacies; and

1713 (iii) the Division of Professional Licensing to the extent necessary to carry out the
1714 functions and responsibilities related to the participation of the following in the
1715 recommendation and dispensing of medical cannabis:

1716 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1717 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
1718 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1719 Practice Act;

1720 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1721 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1722 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
1723 Act;

1724 (g) provides access to and interaction with the state central patient portal;

1725 (h) communicates dispensing information from a record that a medical cannabis
1726 pharmacy submits to the state electronic verification system under Subsection
1727 4-41a-1102(3)(a)(ii) to the controlled substance database;

1728 (i) provides access to state or local law enforcement[?] only to verify the validity of an
1729 individual's medical cannabis card for the administration of criminal justice and through a
1730 database used by law enforcement; and

1731 [~~(i) during a law enforcement encounter, without a warrant, using the individual's~~
1732 ~~driver license or state ID, only for the purpose of determining if the individual subject to the~~

1733 ~~law enforcement encounter has a valid medical cannabis card; or]~~

1734 ~~[(ii) after obtaining a warrant; and]~~

1735 (j) creates a record each time a person accesses the system that identifies the person
1736 who accesses the system and the individual whose records the person accesses.

1737 (3) (a) An employee of a qualified medical provider may access the electronic
1738 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
1739 medical provider if:

1740 (i) the qualified medical provider has designated the employee as an individual
1741 authorized to access the electronic verification system on behalf of the qualified medical
1742 provider;

1743 (ii) the qualified medical provider provides written notice to the department of the
1744 employee's identity and the designation described in Subsection (3)(a)(i); and

1745 (iii) the department grants to the employee access to the electronic verification system.

1746 (b) An employee of a business that employs a qualified medical provider may access
1747 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
1748 qualified medical provider if:

1749 (i) the qualified medical provider has designated the employee as an individual
1750 authorized to access the electronic verification system on behalf of the qualified medical
1751 provider;

1752 (ii) the qualified medical provider and the employing business jointly provide written
1753 notice to the department of the employee's identity and the designation described in Subsection
1754 (3)(b)(i); and

1755 (iii) the department grants to the employee access to the electronic verification system.

1756 (4) (a) As used in this Subsection (4), "prescribing provider" means:

1757 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1758 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1759 Practice Act;

1760 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1761 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1762 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1763 Assistant Act.

1764 (b) A prescribing provider may access information in the electronic verification system
1765 regarding a patient the prescribing provider treats.

1766 (5) The department may release limited data that the system collects for the purpose of:

1767 (a) conducting medical and other department approved research;

1768 (b) providing the report required by Section 26B-4-222; and

1769 (c) other official department purposes.

1770 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1771 Administrative Rulemaking Act, to establish:

1772 (a) the limitations on access to the data in the state electronic verification system as
1773 described in this section; and

1774 (b) standards and procedures to ensure accurate identification of an individual
1775 requesting information or receiving information in this section.

1776 (7) [~~(a) Any person who knowingly and intentionally releases any information in the
1777 state electronic verification system in violation of this section is guilty of a third degree felony.~~]

1778 [~~(b)~~] Any person who negligently or recklessly releases any information in the state
1779 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1780 (8) [~~(a)~~] Any person who obtains or attempts to obtain information from the state
1781 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1782 [~~(b) Any person who obtains or attempts to obtain information from the state electronic
1783 verification system for a purpose other than a purpose this part authorizes is guilty of a third
1784 degree felony.~~]

1785 (9) (a) Except as provided in [~~Subsection~~] Subsections (9)(c) and (9)(e), a person may
1786 not knowingly and intentionally use, release, publish, or otherwise make available to any other
1787 person information obtained from the state electronic verification system for any purpose other
1788 than a purpose specified in this section.

1789 (b) Each separate violation of this Subsection (9) is:

1790 (i) a third degree felony; and

1791 (ii) subject to a civil penalty not to exceed \$5,000.

1792 (c) A law enforcement officer who uses the database used by law enforcement to
1793 access information in the electronic verification system for a reason that is not the
1794 administration of criminal justice is guilty of a class B misdemeanor.

1795 ~~[(e)]~~ (d) The department shall determine a civil violation of this Subsection (9) in
1796 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1797 ~~[(d)]~~ (e) Civil penalties assessed under this Subsection (9) shall be deposited into the
1798 General Fund.

1799 ~~[(e)]~~ (f) This Subsection (9) does not prohibit a person who obtains information from
1800 the state electronic verification system under Subsection (2)(a), (c), or (f) from:

1801 (i) including the information in the person's medical chart or file for access by a person
1802 authorized to review the medical chart or file;

1803 (ii) providing the information to a person in accordance with the requirements of the
1804 Health Insurance Portability and Accountability Act of 1996; or

1805 (iii) discussing or sharing that information about the patient with the patient.

1806 Section 16. Section **26B-4-204** is amended to read:

1807 **26B-4-204. Qualified medical provider registration -- Continuing education --**
1808 **Treatment recommendation -- Limited medical provider.**

1809 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
1810 medical cannabis treatment unless the department registers the individual as a qualified
1811 medical provider in accordance with this section.

1812 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
1813 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
1814 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
1815 term is defined in Section [58-5a-102](#).

1816 (b) An individual who meets the recommending qualifications may recommend a
1817 medical cannabis treatment as a limited medical provider without registering under Subsection
1818 (1)(a) if:

1819 (i) the individual recommends the use of medical cannabis to the patient through an
1820 order described in Subsection (1)(c) after:

1821 (A) a face-to-face visit for an initial recommendation or the renewal of a
1822 recommendation for a patient for whom the limited medical provider did not make the patient's
1823 original recommendation; or

1824 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
1825 whom the limited medical provider made the patient's original recommendation; and

1826 (ii) the individual's recommendation or renewal would not cause the total number of
1827 the individual's patients who have a valid medical cannabis patient card or provisional patient
1828 card resulting from the individual's recommendation to exceed 15.

1829 (c) The individual described in Subsection (1)(b) shall communicate the individual's
1830 recommendation through an order for the medical cannabis pharmacy to record the individual's
1831 recommendation or renewal in the state electronic verification system under the individual's
1832 recommendation that:

1833 (i) (A) the individual or the individual's employee sends electronically to a medical
1834 cannabis pharmacy; or

1835 (B) the individual gives to the patient in writing for the patient to deliver to a medical
1836 cannabis pharmacy; and

1837 (ii) may include:

1838 (A) directions of use or dosing guidelines; and

1839 (B) an indication of a need for a caregiver in accordance with Subsection

1840 [26B-4-213\(3\)\(c\)](#).

1841 (d) If the limited medical provider gives the patient a written recommendation to
1842 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
1843 provider shall ensure that the document includes all of the information that is included on a
1844 prescription the provider would issue for a controlled substance, including:

1845 (i) the date of issuance;

1846 (ii) the provider's name, address and contact information, controlled substance license
1847 information, and signature; and

1848 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
1849 condition.

1850 (e) In considering making a recommendation as a limited medical provider, an
1851 individual may consult information that the department makes available on the department's
1852 website for recommending providers.

1853 (2) (a) The department shall, within 15 days after the day on which the department
1854 receives an application from an individual, register and issue a qualified medical provider
1855 registration card to the individual if the individual:

1856 (i) provides to the department the individual's name and address;

1857 (ii) provides to the department an acknowledgment that the individual has completed
1858 four hours of continuing education related to medical cannabis;

1859 (iii) provides to the department evidence that the individual meets the recommending
1860 qualifications;

1861 (iv) for an applicant on or after November 1, 2021, provides to the department the
1862 information described in Subsection (10)(a); and

1863 (v) pays the department a fee in an amount that:

1864 (A) the department sets, in accordance with Section 63J-1-504; and

1865 (B) does not exceed \$300 for an initial registration.

1866 (b) The department may not register an individual as a qualified medical provider if the
1867 individual is:

1868 (i) a pharmacy medical provider; or

1869 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
1870 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

1871 (3) (a) An individual shall complete the continuing education related to medical
1872 cannabis in the following amounts:

1873 (i) for an individual as a condition precedent to registration, four hours; and

1874 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
1875 every two years.

1876 (b) The department may, in consultation with the Division of Professional Licensing,
1877 develop continuing education related to medical cannabis.

1878 (c) The continuing education described in this Subsection (3) may discuss:

1879 (i) the provisions of this part;

1880 (ii) general information about medical cannabis under federal and state law;

1881 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1882 including risks and benefits;

1883 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1884 patient in pain management, risk management, potential addiction, or palliative care; and

1885 (v) best practices for recommending the form and dosage of [~~medical cannabis~~
1886 products] medical cannabis based on the qualifying condition underlying a medical cannabis
1887 recommendation.

1888 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
1889 recommend a medical cannabis treatment to more than 1.5% of the total amount of medical
1890 cannabis patient cardholders.

1891 (b) If a qualified medical provider receives payment from an insurance plan for
1892 services provided under this chapter, then the patient whose insurance plan was billed does not
1893 count toward the 1.5% patient cap described in Subsection (4)(a).

1894 (5) A recommending medical provider may recommend medical cannabis to an
1895 individual under this part only in the course of a provider-patient relationship after the
1896 recommending medical provider has completed and documented in the patient's medical record
1897 a thorough assessment of the patient's condition and medical history based on the appropriate
1898 standard of care for the patient's condition.

1899 (6) (a) Except as provided in Subsection (6)(b), a person may not advertise that the
1900 person or the person's employee recommends a medical cannabis treatment.

1901 (b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical
1902 provider [~~or clinic or~~], medical clinic, or medical office that employs a qualified medical
1903 provider may advertise only the following:

- 1904 (i) a green cross;
- 1905 (ii) the provider's or clinic's name and logo;
- 1906 (iii) a qualifying condition that the individual treats;
- 1907 (iv) that the individual is registered as a qualified medical provider and recommends
1908 medical cannabis; [~~or~~]
- 1909 (v) a scientific study regarding medical cannabis use[-]; or
1910 (vi) contact information.

1911 (7) (a) A qualified medical provider registration card expires two years after the day on
1912 which the department issues the card.

1913 (b) The department shall renew a qualified medical provider's registration card if the
1914 provider:

- 1915 (i) applies for renewal;
- 1916 (ii) is eligible for a qualified medical provider registration card under this section,
1917 including maintaining an unrestricted license under the recommending qualifications;
- 1918 (iii) certifies to the department in a renewal application that the information in

- 1919 Subsection (2)(a) is accurate or updates the information;
- 1920 (iv) submits a report detailing the completion of the continuing education requirement
- 1921 described in Subsection (3); and
- 1922 (v) pays the department a fee in an amount that:
- 1923 (A) the department sets, in accordance with Section 63J-1-504; and
- 1924 (B) does not exceed \$50 for a registration renewal.
- 1925 (8) The department may revoke the registration of a qualified medical provider who
- 1926 fails to maintain compliance with the requirements of this section.
- 1927 (9) A recommending medical provider may not:
- 1928 (a) receive any compensation or benefit for the qualified medical provider's medical
- 1929 cannabis treatment recommendation from:
- 1930 ~~(a)~~ (i) a cannabis production establishment or an owner, officer, director, board
- 1931 member, employee, or agent of a cannabis production establishment;
- 1932 ~~(b)~~ (ii) a medical cannabis pharmacy or an owner, officer, director, board member,
- 1933 employee, or agent of a medical cannabis pharmacy; or
- 1934 ~~(c)~~ (iii) a recommending medical provider or pharmacy medical provider[-]; or
- 1935 (b) provide a medical cannabis recommendation at a medical clinic or medical office
- 1936 that is violating the advertising limitations described in Subsection (6).
- 1937 (10) (a) On or before November 1~~[-2021,]~~ each year, a qualified medical provider shall
- 1938 report to the department, in a manner designated by the department:
- 1939 (i) if applicable, that the qualified medical provider or the entity that employs the
- 1940 qualified medical provider represents online or on printed material that the qualified medical
- 1941 provider is a qualified medical provider or offers medical cannabis recommendations to
- 1942 patients; and
- 1943 (ii) (A) for cash payment without insurance, the fee amount that the qualified medical
- 1944 provider or the entity that employs the qualified medical provider charges a patient for a
- 1945 medical cannabis recommendation~~[-, either]~~ as an actual cash rate ~~[or, if the provider or entity~~
- 1946 ~~bills insurance, an average cash rate.]; and~~
- 1947 (B) whether the qualified medical provider or the entity that employs the qualified
- 1948 medical provider bills insurance.
- 1949 (b) The department shall:

1950 (i) ensure that the following information related to qualified medical providers and
1951 entities described in Subsection (10)(a)(i) is available on the department's website or on the
1952 health care price transparency tool under Subsection (10)(b)(ii):

1953 (A) the name of the qualified medical provider and, if applicable, the name of the
1954 entity that employs the qualified medical provider;

1955 (B) the address of the qualified medical provider's office or, if applicable, the entity
1956 that employs the qualified medical provider; and

1957 (C) the fee amount described in Subsection (10)(a)(ii)(A); and

1958 (ii) share data collected under this Subsection (10) with the state auditor for use in the
1959 health care price transparency tool described in Section 67-3-11.

1960 Section 17. Section 26B-4-207 is amended to read:

1961 **26B-4-207. Nondiscrimination for medical care or government employment --**
1962 **Notice to prospective and current public employees -- No effect on private employers.**

1963 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
1964 use, in accordance with this part, of cannabis in a medicinal dosage form or a cannabis product
1965 in a medicinal dosage form:

1966 (a) is considered the equivalent of the authorized use of any other medication used at
1967 the discretion of a physician; and

1968 (b) does not constitute the use of an illicit substance or otherwise disqualify an
1969 individual from needed medical care.

1970 (2) For a violation of Section 34A-5-114, the Legislature may withhold future state
1971 appropriations from a state agency or political subdivision.

1972 [~~(2) (a) Notwithstanding any other provision of law and except as provided in~~
1973 ~~Subsection (2)(b), the state or any political subdivision shall treat:]~~

1974 [~~(i) an employee's use of medical cannabis in accordance with this part or Section~~
1975 ~~58-37-3.7 in the same way the state or political subdivision treats employee use of any~~
1976 ~~prescribed controlled substance; and]~~

1977 [~~(ii) an employee's status as a medical cannabis cardholder or an employee's medical~~
1978 ~~cannabis recommendation from a qualified medical provider or limited provider in the same~~
1979 ~~way the state or political subdivision treats an employee's prescriptions for any prescribed~~
1980 ~~controlled substance.]~~

1981 ~~[(b) A state or political subdivision employee who has a valid medical cannabis card is~~
1982 ~~not subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a drug~~
1983 ~~test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired~~
1984 ~~or otherwise adversely affected in the employee's job performance due to the use of medical~~
1985 ~~cannabis.]~~

1986 ~~[(c) Subsections (2)(a) and (b) do not apply:]~~

1987 ~~[(i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding,~~
1988 ~~a federal security clearance, or any other federal background determination required for the~~
1989 ~~employee's position;]~~

1990 ~~[(ii) if the employee's position is dependent on a license or peace officer certification~~
1991 ~~that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or]~~

1992 ~~[(iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses~~
1993 ~~medical cannabis during the 12 hours immediately preceding the employee's shift or during the~~
1994 ~~employee's shift.]~~

1995 (3) (a) (i) A state employer or a political subdivision employer shall take the action
1996 described in Subsection (3)(a)(ii) before:

1997 (A) giving to a current employee an assignment or duty that arises from or directly
1998 relates to an obligation under this part; or

1999 (B) hiring a prospective employee whose assignments or duties would include an
2000 assignment or duty that arises from or directly relates to an obligation under this part.

2001 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or
2002 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
2003 employee or prospective employee:

2004 (A) that the employee's or prospective employee's job duties may require the employee
2005 or prospective employee to engage in conduct which is in violation of the criminal laws of the
2006 United States; and

2007 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
2008 although the employee or prospective employee is entitled to the protections of Title 67,
2009 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
2010 carry out an assignment or duty that may be a violation of the criminal laws of the United
2011 States with respect to the manufacture, sale, or distribution of cannabis.

2012 (b) The Division of Human Resource Management shall create, revise, and publish the
2013 form of the notice described in Subsection (3)(a).

2014 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
2015 described in Subsection (3)(a) may not:

2016 (i) claim in good faith that the employee's actions violate or potentially violate the laws
2017 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

2018 (ii) refuse to carry out a directive that the employee reasonably believes violates the
2019 criminal laws of the United States with respect to the manufacture, sale, or distribution of
2020 cannabis.

2021 (d) An employer may not take retaliatory action as defined in Section 67-19a-101
2022 against a current employee who refuses to sign the notice described in Subsection (3)(a).

2023 (4) Nothing in this section requires a private employer to accommodate the use of
2024 medical cannabis or affects the ability of a private employer to have policies restricting the use
2025 of medical cannabis by applicants or employees.

2026 Section 18. Section 26B-4-213 is amended to read:

2027 **26B-4-213. Medical cannabis patient card -- Medical cannabis guardian card --**
2028 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

2029 (1) (a) Subject to Section 26B-4-246, within 15 days after the day on which an
2030 individual who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
2031 application in accordance with this section or Section 26B-4-214, the department shall:

2032 (i) issue a medical cannabis patient card to an individual described in Subsection
2033 (2)(a);

2034 (ii) issue a medical cannabis guardian card to an individual described in Subsection
2035 (2)(b);

2036 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

2037 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
2038 26B-4-214(4).

2039 (b) (i) Upon the entry of a recommending medical provider's medical cannabis
2040 recommendation for a patient in the state electronic verification system, either by the provider
2041 or the provider's employee or by a medical cannabis pharmacy medical provider or medical
2042 cannabis pharmacy in accordance with Subsection 4-41a-1101(10)(a), the department shall

2043 issue to the patient an electronic conditional medical cannabis card, in accordance with this
2044 Subsection (1)(b).

2045 (ii) A conditional medical cannabis card is valid for the lesser of:

2046 (A) 60 days; or

2047 (B) the day on which the department completes the department's review and issues a
2048 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
2049 application, or revokes the conditional medical cannabis card under Subsection (8).

2050 (iii) The department may issue a conditional medical cannabis card to an individual
2051 applying for a medical cannabis patient card for which approval of the Compassionate Use
2052 Board is not required.

2053 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2054 obligations under law applicable to a holder of the medical cannabis card for which the
2055 individual applies and for which the department issues the conditional medical cannabis card.

2056 (2) (a) An individual is eligible for a medical cannabis patient card if:

2057 (i) (A) the individual is at least 21 years old; or

2058 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
2059 Use Board under Section 26B-1-421, and the Compassionate Use Board recommends
2060 department approval of the petition;

2061 (ii) the individual is a Utah resident;

2062 (iii) the individual's recommending medical provider recommends treatment with
2063 medical cannabis in accordance with Subsection (4);

2064 (iv) the individual signs an acknowledgment stating that the individual received the
2065 information described in Subsection (9); and

2066 (v) the individual pays to the department a fee in an amount that, subject to Subsection
2067 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

2068 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

2069 (A) is at least 18 years old;

2070 (B) is a Utah resident;

2071 (C) is the parent or legal guardian of a minor for whom the minor's [qualified]

2072 recommending medical provider recommends a medical cannabis treatment, the individual

2073 petitions the Compassionate Use Board under Section 26B-1-421, and the Compassionate Use

2074 Board recommends department approval of the petition;

2075 (D) the individual signs an acknowledgment stating that the individual received the
2076 information described in Subsection (9); and

2077 (E) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
2078 the department sets in accordance with Section 63J-1-504, plus the cost of the criminal
2079 background check described in Section 26B-4-215.

2080 (ii) The department shall notify the Department of Public Safety of each individual that
2081 the department registers for a medical cannabis guardian card.

2082 (c) (i) A minor is eligible for a provisional patient card if:

2083 (A) the minor has a qualifying condition;

2084 (B) the minor's [~~qualified~~] recommending medical provider recommends a medical
2085 cannabis treatment to address the minor's qualifying condition;

2086 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
2087 Board under Section 26B-1-421, and the Compassionate Use Board recommends department
2088 approval of the petition; and

2089 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
2090 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
2091 medical cannabis caregiver card under Section 26B-4-214.

2092 (ii) The department shall automatically issue a provisional patient card to the minor
2093 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
2094 guardian card to the minor's parent or legal guardian.

2095 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
2096 through (C) does not qualify for a medical cannabis guardian card under Subsection (2)(b), the
2097 parent or legal guardian may designate up to two caregivers in accordance with Subsection
2098 26B-4-214(1)(c) to ensure that the minor has adequate and safe access to the recommended
2099 medical cannabis treatment.

2100 (3) (a) An individual who is eligible for a medical cannabis card described in
2101 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
2102 department:

2103 (i) through an electronic application connected to the state electronic verification
2104 system;

- 2105 (ii) with the recommending medical provider; and
- 2106 (iii) with information including:
- 2107 (A) the applicant's name, gender, age, and address;
- 2108 (B) the number of the applicant's government issued photo identification;
- 2109 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
- 2110 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
- 2111 and
- 2112 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
- 2113 holds the associated medical cannabis guardian card.
- 2114 (b) The department shall ensure that a medical cannabis card the department issues
- 2115 under this section contains the information described in Subsection (3)(a)(iii).
- 2116 (c) (i) If a recommending medical provider determines that, because of age, illness, or
- 2117 disability, a medical cannabis patient cardholder requires assistance in administering the
- 2118 medical cannabis treatment that the recommending medical provider recommends, the
- 2119 recommending medical provider may indicate the cardholder's need in the state electronic
- 2120 verification system, either directly or, for a limited medical provider, through the order
- 2121 described in Subsections [26B-4-204\(1\)\(c\)](#) and (d).
- 2122 (ii) If a recommending medical provider makes the indication described in Subsection
- 2123 (3)(c)(i):
- 2124 (A) the department shall add a label to the relevant medical cannabis patient card
- 2125 indicating the cardholder's need for assistance;
- 2126 (B) any adult who is 18 years old or older and who is physically present with the
- 2127 cardholder at the time the cardholder needs to use the recommended medical cannabis
- 2128 treatment may handle the medical cannabis treatment and any associated medical cannabis
- 2129 device as needed to assist the cardholder in administering the recommended medical cannabis
- 2130 treatment; and
- 2131 (C) an individual of any age who is physically present with the cardholder in the event
- 2132 of an emergency medical condition, as that term is defined in Section [31A-1-301](#), may handle
- 2133 the medical cannabis treatment and any associated medical cannabis device as needed to assist
- 2134 the cardholder in administering the recommended medical cannabis treatment.
- 2135 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

- 2136 (A) ingest or inhale medical cannabis;
- 2137 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
- 2138 of the immediate area where the cardholder is present or with an intent other than to provide
- 2139 assistance to the cardholder; or
- 2140 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
- 2141 the cardholder is not in the process of being dosed with medical cannabis.
- 2142 (4) To recommend a medical cannabis treatment to a patient or to renew a
- 2143 recommendation, a recommending medical provider shall:
- 2144 (a) visit with the patient face-to-face for an initial recommendation unless the patient:
- 2145 (i) prefers a virtual visit; and
- 2146 (ii) (A) is on hospice or has a terminal illness according to the patient's medical
- 2147 provider; or
- 2148 (B) is a resident of an assisted living facility, as defined in Section [26B-2-201](#), or a
- 2149 nursing care facility, as defined in Section [26B-2-201](#);
- 2150 (b) before recommending or renewing a recommendation for medical cannabis in a
- 2151 medicinal dosage form or a cannabis product in a medicinal dosage form:
- 2152 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
- 2153 guardian's government issued photo identification described in Subsection (3)(a);
- 2154 (ii) review any record related to the patient and, for a minor patient, the patient's parent
- 2155 or legal guardian in:
- 2156 (A) for a qualified medical provider, the state electronic verification system; and
- 2157 (B) the controlled substance database created in Section [58-37f-201](#); and
- 2158 (iii) consider the recommendation in light of the patient's qualifying condition, history
- 2159 of substance use or opioid use disorder, and history of medical cannabis and controlled
- 2160 substance use during a visit with the patient; and
- 2161 (c) state in the recommending medical provider's recommendation that the patient:
- 2162 (i) suffers from a qualifying condition, including the type of qualifying condition; and
- 2163 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
- 2164 product in a medicinal dosage form.
- 2165 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
- 2166 department issues under this section is valid for the lesser of:

- 2167 (i) an amount of time that the recommending medical provider determines; or
2168 (ii) one year from the day the card is issued.
- 2169 (b) (i) A medical cannabis card that the department issues in relation to a terminal
2170 illness described in Section 26B-4-203 expires after one year.
- 2171 (ii) The recommending medical provider may revoke a recommendation that the
2172 provider made in relation to a terminal illness described in Section 26B-4-203 if the medical
2173 cannabis cardholder no longer has the terminal illness.
- 2174 (c) A medical cannabis card that the department issues in relation to acute pain as
2175 described in Section 26B-4-203 expires 30 days after the day on which the department first
2176 issues a conditional or full medical cannabis card.
- 2177 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
2178 renewable if:
- 2179 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
2180 (b); or
- 2181 (ii) the cardholder received the medical cannabis card through the recommendation of
2182 the Compassionate Use Board under Section 26B-1-421.
- 2183 (b) The recommending medical provider who made the underlying recommendation
2184 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card
2185 through phone or video conference with the cardholder, at the recommending medical
2186 provider's discretion.
- 2187 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
2188 shall pay to the department a renewal fee in an amount that:
- 2189 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with Section
2190 63J-1-504; and
- 2191 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
2192 comparison to the original application process.
- 2193 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2194 patient card renews automatically at the time the minor's parent or legal guardian renews the
2195 parent or legal guardian's associated medical cannabis guardian card.
- 2196 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
2197 cannabis card with the patient's name.

2198 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
2199 purchase, in accordance with this part and the recommendation underlying the card, cannabis in
2200 a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
2201 device.

2202 (ii) A cardholder under this section may possess or transport, in accordance with this
2203 part and the recommendation underlying the card, cannabis in a medicinal dosage form, a
2204 cannabis product in a medicinal dosage form, or a medical cannabis device.

2205 (iii) To address the qualifying condition underlying the medical cannabis treatment
2206 recommendation:

2207 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
2208 [~~cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,~~
2209 ~~or~~] medical cannabis or a medical cannabis device; and

2210 (B) a medical cannabis guardian cardholder may assist the associated provisional
2211 patient cardholder with the use of [~~cannabis in a medicinal dosage form, a medical cannabis~~
2212 ~~product in a medicinal dosage form,~~] medical cannabis or a medical cannabis device.

2213 (8) (a) The department may revoke a medical cannabis card that the department issues
2214 under this section if:

2215 (i) the recommending medical provider withdraws the medical provider's
2216 recommendation for medical cannabis; or

2217 (ii) the cardholder:

2218 (A) violates this part; or

2219 (B) is convicted under state or federal law of, after March 17, 2021, a drug distribution
2220 offense.

2221 (b) The department may not refuse to issue a medical cannabis card to a patient solely
2222 based on a prior revocation under Subsection (8)(a)(i).

2223 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2224 Utah Administrative Rulemaking Act, a process to provide information regarding the following
2225 to an individual receiving a medical cannabis card:

2226 (a) risks associated with medical cannabis treatment;

2227 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2228 medical cannabis treatment is an effective treatment or cure for that condition, as described in

2229 Subsection 26B-4-203(1); and

2230 (c) other relevant warnings and safety information that the department determines.

2231 (10) The department may establish procedures by rule, in accordance with Title 63G,
2232 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
2233 provisions of this section.

2234 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
2235 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
2236 an individual from another state to register with the department in order to purchase medical
2237 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
2238 is visiting the state.

2239 (b) The department may only provide the registration process described in Subsection
2240 (11)(a):

2241 (i) to a nonresident patient; and

2242 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
2243 per visitation period.

2244 (12) (a) A person may submit to the department a request to conduct a research study
2245 using medical cannabis cardholder data that the state electronic verification system contains.

2246 (b) The department shall review a request described in Subsection (12)(a) to determine
2247 whether an institutional review board, as that term is defined in Section 26B-4-201, could
2248 approve the research study.

2249 (c) At the time an individual applies for a medical cannabis card, the department shall
2250 notify the individual:

2251 (i) of how the individual's information will be used as a cardholder;

2252 (ii) that by applying for a medical cannabis card, unless the individual withdraws
2253 consent under Subsection (12)(d), the individual consents to the use of the individual's
2254 information for external research; and

2255 (iii) that the individual may withdraw consent for the use of the individual's
2256 information for external research at any time, including at the time of application.

2257 (d) An applicant may, through the medical cannabis card application, and a medical
2258 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
2259 cardholder's consent to participate in external research at any time.

2260 (e) The department may release, for the purposes of a study described in this
2261 Subsection (12), information about a cardholder under this section who consents to participate
2262 under Subsection (12)(c).

2263 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
2264 consent:

2265 (i) applies to external research that is initiated after the withdrawal of consent; and

2266 (ii) does not apply to research that was initiated before the withdrawal of consent.

2267 (g) The department may establish standards for a medical research study's validity, by
2268 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2269 (13) The department shall record the issuance or revocation of a medical cannabis card
2270 under this section in the controlled substance database.

2271 Section 19. Section **26B-4-245** is amended to read:

2272 **26B-4-245. Purchasing and use limitations -- Exception.**

2273 (1) An individual with a medical cannabis card:

2274 ~~[(+)]~~ (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

2275 ~~[(a)]~~ (i) unprocessed cannabis in a medicinal dosage form; and

2276 ~~[(b)]~~ (ii) a cannabis product in a medicinal dosage form;

2277 ~~[(2)]~~ (b) may not purchase:

2278 ~~[(a)]~~ (i) except as provided in Subsection (2), more medical cannabis than described in
2279 Subsection (1)(a); or

2280 ~~[(b)]~~ (ii) if the relevant recommending medical provider did not recommend directions
2281 of use and dosing guidelines, until the individual consults with the pharmacy medical provider
2282 in accordance with Subsection [26B-4-231\(4\)](#), any medical cannabis; and

2283 ~~[(3)]~~ (c) may not use a route of administration that the relevant recommending medical
2284 provider or the pharmacy medical provider, in accordance with Subsection [26B-4-231\(4\)](#), has
2285 not recommended.

2286 (2) (a) A qualified medical provider may petition the department to waive the 28-day
2287 period limit described in Subsection (1)(a) for a medical cannabis cardholder if the medical
2288 cannabis cardholder:

2289 (i) has been diagnosed with a terminal illness;

2290 (ii) has a life expectancy of six months or less; and

2291 (iii) needs the waiver for palliative purposes.
2292 (b) The department shall:
2293 (i) consult with the Compassionate Use Board to determine whether the waiver should
2294 be granted;
2295 (ii) issue a response to the petition within 10 days from the day on which the petition is
2296 received.
2297 (c) The department may waive the 28-day period limit for no more than 180 days.
2298 (d) A petition described in this Subsection (2) may be combined with the petition
2299 described in Subsection [26B-1-421\(6\)](#).
2300 Section 20. Section **34A-5-114** is enacted to read:
2301 **34A-5-114. Nondiscrimination for medical cannabis use while employed by the**
2302 **government.**
2303 (1) As used in this section:
2304 (a) "Adverse employment action" means any of the following in regards to an
2305 employee:
2306 (i) dismissal from employment;
2307 (ii) suspension from employment;
2308 (iii) reduction in compensation;
2309 (iv) failing to increase compensation by an amount that the employee is otherwise
2310 entitled to or was promised;
2311 (v) failure to promote an employee if the employee would have otherwise been
2312 promoted; or
2313 (vi) threaten to take an action described in Subsections (1)(a)(i) through (v).
2314 (b) "Medical cannabis" means the same as that term is defined in Section [26B-4-201](#).
2315 (c) "Medical cannabis cardholder" means the same as that term is defined in Section
2316 [26B-4-201](#).
2317 (2) Notwithstanding any other provision of law and except as provided in Subsection
2318 (4), the state or any political subdivision shall treat:
2319 (a) an employee's use of medical cannabis in accordance with Title 26B, Chapter 4,
2320 Part 2, Cannabinoid Research and Medical Cannabis, or Section [58-37-3.7](#) in the same way the
2321 state or political subdivision treats employee use of any prescribed controlled substance; and

2322 (b) an employee's status as a medical cannabis cardholder or an employee's medical
2323 cannabis recommendation in the same manner the state or political subdivision treats an
2324 employee's prescriptions for any prescribed controlled substance.

2325 (3) A state or political subdivision employee who has a valid medical cannabis card is
2326 not subject to an adverse employment action for failing a drug test due to marijuana or
2327 tetrahydrocannabinol without evidence that the employee was impaired or otherwise adversely
2328 affected in the employee's job performance due to the use of medical cannabis.

2329 (4) Subsections (2) and (3) do not apply:

2330 (a) where the application of Subsection (2) or (3) would jeopardize federal funding, a
2331 federal security clearance, or any other federal background determination required for the
2332 employee's position;

2333 (b) if the employee's position is dependent on a license or peace officer certification
2334 that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or

2335 (c) if an employee described in Subsections [34A-2-102](#)(1)(h)(ii) through (vi) uses
2336 medical cannabis during the 12 hours immediately preceding the employee's shift or during the
2337 employee's shift.

2338 (5) An employee described in this section:

2339 (a) may file a complaint in accordance with Section [34A-5-107](#) with the commission;
2340 and

2341 (b) is entitled to any remedies under this chapter for an employer's violation of
2342 Subsection (2) or (3).

2343 (6) Nothing in this section requires a private employer to accommodate the use of
2344 medical cannabis or affects the ability of a private employer to have policies restricting the use
2345 of medical cannabis by applicants or employees.

2346 Section 21. Section **63I-2-236** is amended to read:

2347 **63I-2-236. Repeal dates: Title 36.**

2348 (1) Section [36-12-8.2](#) is repealed July 1, [~~2024~~] 2025.

2349 (2) Section [36-29-107.5](#) is repealed on November 30, 2024.

2350 (3) Section [36-29-109](#) is repealed on November 30, 2027.

2351 (4) Section [36-29-110](#) is repealed on November 30, 2024.

2352 (5) Section [36-29-111](#) is repealed July 1, 2025.

2353 (6) The following sections regarding the State Flag Task Force are repealed on January
2354 1, 2024:

2355 (a) Section 36-29-201;

2356 (b) Section 36-29-202; and

2357 (c) Section 36-29-203.

2358 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is
2359 repealed December 31, 2023.

2360 Section 22. **Effective date.**

2361 This bill takes effect on May 1, 2024.