

Hemp Amendments
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

LONG TITLE

Committee Note:

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

Legislative Vote: 16 voting for 0 voting against 3 absent

General Description:

This bill amends provisions related to hemp products and regulation.

Highlighted Provisions:

This bill:

- defines terms;
- amends provisions related to THC analogs;
- prohibits certain cannabinoids from being used in cannabinoid products;
- removes background check requirements for cannabinoid processor licenses;
- requires industrial hemp retailers to maintain a video surveillance system;
- requires a person to have a cannabis processor license to transport hemp concentrate; and
- removes the requirement that certain cannabinoid products be in a medicinal dosage form.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-41-102, as last amended by Laws of Utah 2024, Chapter 35

4-41-103.2, as last amended by Laws of Utah 2023, Chapter 146

4-41-103.3, as last amended by Laws of Utah 2023, Chapters 146, 327

4-41-105, as last amended by Laws of Utah 2024, Chapter 35

58-37-3.6, as last amended by Laws of Utah 2024, Chapter 35

58-85-102, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

77-39-101, as last amended by Laws of Utah 2024, Chapter 35

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

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

4-41-102 . Definitions.

As used in this chapter:

- (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be injurious to human health, including:
 - (a) pesticides;
 - (b) heavy metals;
 - (c) solvents;
 - (d) microbial life;
 - (e) artificially derived cannabinoids;
 - (f) toxins; or
 - (g) foreign matter.
- (2)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substances derived from the cannabis plant.
- (b) "Artificially derived cannabinoid" does not include:
 - (i) a naturally occurring chemical substance that is separated from the cannabis plant by a chemical or mechanical extraction process; or
 - (ii) cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.
- (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.
- (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.
- (5) "Cannabinoid processor license" means a license that the department issues to a person for the purpose of processing a cannabinoid product.
- (6) "Cannabinoid product" means a product that:
 - (a) contains or is represented to contain one or more naturally occurring cannabinoids;
 - (b) contains less than the cannabinoid product THC level, by dry weight;
 - (c) contains a combined amount of total THC and any THC analog that does not exceed 10% of the total cannabinoid content;
 - (d) does not exceed a total of THC and any THC analog that is greater than:
 - (i) 5 milligrams per serving; and
 - (ii) 150 milligrams per package; and

- 66 (e) unless the product is in an oil based suspension, has a serving size that:
67 (i) is an integer; and
68 (ii) is a discrete unit of the cannabinoid product.
- 69 (7) "Cannabinoid product class" means a group of cannabinoid products that:
70 (a) have all ingredients in common; and
71 (b) are produced by or for the same company.
- 72 (8) "Cannabinoid product THC level" means a combined concentration of total THC and
73 any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a
74 result within a measurement of uncertainty that includes the combined concentration of
75 0.3%.
- 76 (9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 77 (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as
78 CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
- 79 (11) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a
80 concentration of less than 0.3% tetrahydrocannabinol by dry weight.
- 81 (12) "Industrial hemp producer registration" means a registration that the department issues
82 to a person for the purpose of processing industrial hemp or an industrial hemp product.
- 83 (13) "Industrial hemp retailer permit" means a permit that the department issues to a retailer
84 who sells any viable industrial hemp seed or cannabinoid product.
- 85 (14)(a) "Industrial hemp product" means a product made by processing industrial hemp
86 plants or industrial hemp parts.
87 (b) "Industrial hemp product" does not include cannabinoid material.
- 88 (15) "Key participant" means any of the following:
89 (a) a licensee;
90 (b) an operation manager;
91 (c) a site manager; or
92 (d) an employee who has access to any industrial hemp material with a THC
93 concentration above 0.3%.
- 94 (16) "Licensee" means a person possessing a cannabinoid processor license that the
95 department issues under this chapter.
- 96 (17) "Non-compliant material" means:
97 (a) a hemp plant that does not comply with this chapter, including a cannabis plant with
98 a concentration of 0.3% tetrahydrocannabinol or greater by dry weight;[-and]
99 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds the

- 100 cannabinoid product THC level[-] ; and
- 101 (c) a cannabinoid product containing any of the following:
- 102 (i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#
- 103 54763-99-4;
- 104 (ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#
- 105 51768-60-6;
- 106 (iii) delta-9-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS#
- 107 23132-17-4;
- 108 (iv) delta-8-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS#
- 109 23050-54-6;
- 110 (v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#
- 111 36403-91-5; or
- 112 (vi) 9(r)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#
- 113 36403-90-4.
- 114 (18) "Permittee" means a person possessing a permit that the department issues under this
- 115 chapter.
- 116 (19) "Person" means:
- 117 (a) an individual, partnership, association, firm, trust, limited liability company, or
- 118 corporation; and
- 119 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
- 120 liability company, or corporation.
- 121 (20) "Retailer permittee" means a person possessing an industrial hemp retailer permit that
- 122 the department issues under this chapter.
- 123 (21) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the
- 124 cannabinoid identified as CAS# 1972-08-3.
- 125 (22)(a) "THC analog" means a substance that is structurally or pharmacologically
- 126 substantially similar to, or is represented as being similar to, delta-9-THC.
- 127 (b) "THC analog" does not include the following substances or the naturally occurring
- 128 acid forms of the following substances:
- 129 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;
- 130 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;
- 131 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;
- 132 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;
- 133 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;

- 134 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;
 135 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;
 136 (viii) cannabiniol (CBN), the cannabinoid identified as CAS# 521-35-7;
 137 (ix) cannabicitran (CBTC), the cannabinoid identified as CAS# 31508-71-1;
 138 [~~(ix)~~] (x) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or
 139 [~~(x)~~] (xi) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#
 140 31262-37-0.

141 (23) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol and
 142 cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".

143 (24) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined
 144 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC =
 145 delta-9-THC + (THCA x 0.877)".

146 (25) "Transportable industrial hemp concentrate" means any amount of a natural
 147 cannabinoid in a purified state that:

- 148 (a) is the product of any chemical or physical process applied to naturally occurring
 149 biomass that concentrates or isolates the cannabinoids contained in the biomass;
 150 (b) is derived from a cannabis plant that, based on sampling that was collected no more
 151 than 30 days before the day on which the cannabis plant was harvested, contains a
 152 combined concentration of total THC and any THC analog of less than 0.3% on a dry
 153 weight basis;
 154 (c) has a THC and THC analog concentration total that is less than 20% when
 155 concentrated from the cannabis plant to the purified state; and
 156 (d) is intended to be processed into a cannabinoid product.

157 Section 2. Section **4-41-103.2** is amended to read:

158 **4-41-103.2 . Cannabinoid processor license.**

- 159 (1) The department or a licensee of the department may process a cannabinoid product.
 160 (2) A person seeking a cannabinoid processor license shall provide to the department:
 161 (a) the legal description and global positioning coordinates sufficient for locating the
 162 facility the person uses to process industrial hemp; and
 163 (b) written consent allowing a representative of the department and local law
 164 enforcement to enter all premises where the person processes or stores industrial
 165 hemp for the purpose of:
 166 (i) conducting a physical inspection; or
 167 (ii) ensuring compliance with the requirements of this chapter.

- 168 (3) An individual who has been convicted of a drug-related felony within the last 10 years
169 is not eligible to obtain a cannabinoid processor license.
- 170 (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the
171 application for a cannabinoid processor license.
- 172 (5) A licensee may only market a cannabinoid product that the licensee processes.
- 173 ~~[(6)(a) Each applicant for a license to process cannabinoid products shall submit to the
174 department, at the time of application, from each key participant:]~~
- 175 ~~[(i) a fingerprint card in a form acceptable to the Department of Public Safety;]
176 [(ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
177 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
178 Generation Identification System's Rap Back Service; and]~~
- 179 ~~[(iii) consent to a fingerprint background check by:]
180 [(A) the Bureau of Criminal Identification; and]
181 [(B) the Federal Bureau of Investigation.]~~
- 182 ~~[(b) The Bureau of Criminal Identification shall:]~~
- 183 ~~[(i) check the fingerprints the applicant submits under Subsection (6)(a) against the
184 applicable state, regional, and national criminal records databases, including the Federal
185 Bureau of Investigation Next Generation Identification System;]
186 [(ii) report the results of the background check to the department;]
187 [(iii) maintain a separate file of fingerprints that applicants submit under Subsection (6)(a)
188 for search by future submissions to the local and regional criminal records databases,
189 including latent prints;]
190 [(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
191 Generation Identification System's Rap Back Service for search by future submissions to
192 national criminal records databases, including the Next Generation Identification System
193 and latent prints; and]
194 [(v) establish a privacy risk mitigation strategy to ensure that the department only receives
195 notifications for an individual with whom the department maintains an authorizing
196 relationship.]~~
- 197 ~~[(c) The department shall:]~~
- 198 ~~[(i) assess an individual who submits fingerprints under Subsection (6)(a) a fee in an
199 amount that the department sets in accordance with Section 63J-1-504 for the services
200 that the Bureau of Criminal Identification or another authorized agency provides under
201 this section; and]~~

202 [(ii) remit the fee described in Subsection (6)(c)(i) to the Bureau of Criminal Identification.]

203 Section 3. Section **4-41-103.3** is amended to read:

204 **4-41-103.3 . Industrial hemp retailer permit.**

205 (1) Except as provided in Subsection [(4)] (5), a retailer permittee of the department may
206 market or sell a cannabinoid product or a viable industrial hemp seed.

207 (2) A person seeking an industrial hemp retailer permit shall provide to the department:

208 (a) the name of the person that is seeking to market or sell a cannabinoid product or a
209 viable industrial hemp seed;

210 (b) the address of each location where a cannabinoid product or a viable industrial hemp
211 seed will be sold; and

212 (c) written consent allowing a representative of the department to enter all premises
213 where the person is selling a cannabinoid product or a viable industrial hemp seed for
214 the purpose of:

215 (i) conducting a physical inspection; or

216 (ii) ensuring compliance with the requirements of this chapter.

217 (3) Beginning January 1, 2026, an industrial hemp retailer permittee shall:

218 (a) maintain a video surveillance system that:

219 (i) is able to monitor who purchases a cannabinoid product from the permittee;

220 (ii) is tamper proof; and

221 (iii) stores a video record for at least 45 days; and

222 (b) provide the department access to the video surveillance system upon request.

223 [(3)] (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the
224 application for an industrial hemp retailer permit.

225 [(4)] (5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall
226 include a notice to consumers that the product is hemp and is not cannabis or medical
227 cannabis, as those terms are defined in Section 26B-4-201.

228 Section 4. Section **4-41-105** is amended to read:

229 **4-41-105 . Unlawful acts.**

230 (1) It is unlawful for a person to handle, process, or market living industrial hemp plants,
231 viable hemp seeds, leaf materials, or floral materials derived from industrial hemp
232 without the appropriate license or permit issued by the department under this chapter.

233 (2)(a) It is unlawful for any person to:

234 (i) distribute, sell, or market a cannabinoid product that is:

235 (A) not registered with the department under Section 4-41-104; or

- 236 (B) noncompliant material;
- 237 (ii) except as provided in Subsection (2)(b), transport into or out of the state extracted
- 238 material or final product that contains 0.3% or more of total THC and any THC
- 239 analog;
- 240 (iii) sell or use a cannabinoid product that is:
- 241 (A) added to a conventional food or beverage, as the department further defines in
- 242 rules described in Section 4-41-403;
- 243 (B) marketed or manufactured to be enticing to children, as further defined in
- 244 rules described in Section 4-41-403; or
- 245 (C) smokable flower; or
- 246 (iv) knowingly or intentionally sell or give a cannabinoid product that contains THC
- 247 or a THC analog in the course of business to an individual who is not at least 21
- 248 years old.
- 249 (b) A person may transport transportable industrial hemp concentrate if the person:
- 250 (i) complies with rules created by the department under Section 4-41-103.1 related to
- 251 transportable industrial hemp concentrate; and
- 252 (ii)(A) has [~~an industrial hemp producer registration~~] a cannabinoid processor
- 253 license; or
- 254 (B) the equivalent to [~~an industrial hemp producer registration~~] a cannabinoid
- 255 processor license from another state.
- 256 (3) The department may seize and destroy non-compliant material.
- 257 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or any
- 258 provision of this title.

259 Section 5. Section **58-37-3.6** is amended to read:

260 **58-37-3.6 . Exemption for possession or distribution of a cannabinoid product,**

261 **expanded cannabinoid product, or transportable industrial hemp concentrate.**

- 262 (1) As used in this section:
- 263 (a) "Cannabinoid product" means a product intended for human ingestion that:
- 264 (i) contains an extract or concentrate that is obtained from cannabis; and
- 265 [~~(ii) is prepared in a medicinal dosage form; and~~]
- 266 [~~(iii)~~] (ii) contains at least 10 units of cannabidiol for every one unit of
- 267 tetrahydrocannabinol.
- 268 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.
- 269 [~~(c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.~~]

270 ~~[(d)]~~ (c) "Expanded cannabinoid product" means a product intended for human ingestion
271 that:

272 (i) contains an extract or concentrate that is obtained from cannabis; and

273 ~~[(ii) is prepared in a medicinal dosage form; and]~~

274 ~~[(iii)]~~ (ii) contains less than 10 units of cannabidiol for every one unit of
275 tetrahydrocannabinol.

276 ~~[(e) "Hemp cannabinoid product" means a product that:]~~

277 ~~[(i) contains or is represented to contain one or more naturally occurring cannabinoids;]~~

278 ~~[(ii) contains less than the cannabinoid product THC level, by dry weight;]~~

279 ~~[(iii) contains a combined amount of total THC and any THC analog that does not
280 exceed 10% of the total cannabinoid content;]~~

281 ~~[(iv) does not exceed a total of THC and any THC analog that is greater than five
282 milligrams per serving and 150 milligrams per package; and]~~

283 ~~[(v) unless the product is in an oil based suspension, has a serving size that is an integer.]~~

284 ~~[(f)]~~ (d) "Transportable industrial hemp concentrate" means any amount of a natural
285 cannabinoid in a purified state that:

286 (i) is the product of any chemical or physical process applied to naturally occurring
287 biomass that concentrates or isolates the cannabinoids contained in the biomass;

288 (ii) is derived from a cannabis plant that, based on sampling that was collected no
289 more than 30 days before the day on which the cannabis plant was harvested,
290 contains a combined concentration of total THC and any THC analog of less than
291 0.3% on a dry weight basis; and

292 (iii) has a THC and THC analog concentration total less than 20% when concentrated
293 from the cannabis plant to the purified state.

294 ~~[(g) "Medicinal dosage form" means:]~~

295 ~~[(i) a tablet;]~~

296 ~~[(ii) a capsule;]~~

297 ~~[(iii) a concentrated oil;]~~

298 ~~[(iv) a liquid suspension;]~~

299 ~~[(v) a transdermal preparation; or]~~

300 ~~[(vi) a sublingual preparation.]~~

301 ~~[(h)]~~ (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
302 description in Subsection 58-37-4(2)(a)(iii)(AA).

303 (2) Notwithstanding any other provision of this chapter an individual who possesses or

304 distributes a cannabinoid product or an expanded cannabinoid product is not subject to
 305 the penalties described in this title for the possession or distribution of marijuana or
 306 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
 307 cannabinoid product or expanded cannabinoid product complies with [Title 26B,
 308 Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis] Section 26B-4-212.

309 (3) Notwithstanding any other provision of this chapter, a person who possesses and
 310 distributes transportable industrial hemp concentrate is not subject to the penalties
 311 described in this chapter for the possession or distribution of transportable industrial
 312 hemp concentrate if the transportable industrial hemp concentrate is handled in
 313 accordance with the rules established under Subsection 4-41-103.1(1)(e) or is destroyed.

314 Section 6. Section **58-85-102** is amended to read:

315 **58-85-102 . Definitions.**

316 As used in this chapter:

317 (1) "Eligible patient" means an individual who has been diagnosed with a terminal illness
 318 by a physician.

319 (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

320 (3) "Investigational device" means a device that:

321 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

322 (b) has successfully completed the United States Food and Drug Administration Phase 1
 323 testing for an investigational device described in 21 C.F.R. Part 812.

324 (4) "Investigational drug" means a drug that:

325 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

326 (b) has successfully completed the United States Food and Drug Administration Phase 1
 327 testing for an investigational new drug described in 21 C.F.R. Part 312.

328 (5) "Medicinal dosage form" [~~means the same as that term is defined in Section 58-37-3.6.~~]
 329 means:

330 (a) a tablet;

331 (b) a capsule;

332 (c) a concentrated oil;

333 (d) a liquid suspension;

334 (e) a transdermal preparation; or

335 (f) a sublingual preparation.

336 (6) "Physician" means an individual who is licensed under:

337 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

- 338 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- 339 (7) "Terminal illness" means a condition of a patient that:
- 340 (a) as determined by a physician:
- 341 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by
- 342 treatment with an investigational drug or investigational device; and
- 343 (ii) will inevitably lead to the patient's death; and
- 344 (b) presents the patient, after the patient has explored conventional therapy options, with
- 345 no treatment option that is satisfactory or comparable to treatment with an
- 346 investigational drug or device.

347 Section 7. Section **77-39-101** is amended to read:

348 **77-39-101 . Investigation of sales of alcohol, tobacco products, electronic**

349 **cigarette products, nicotine products, and cannabinoid products to underage individuals.**

- 350 (1) As used in this section:
- 351 (a) "Cannabinoid product" means the same as that term is defined in Section 4-41-102.
- 352 (b) "Electronic cigarette product" means the same as that term is defined in Section
- 353 76-10-101.
- 354 (c) "Nicotine product" means the same as that term is defined in Section 76-10-101.
- 355 (d) "Peace officer" means the same as the term is described in Section 53-13-109.
- 356 (e) "Tobacco product" means the same as that term is defined in Section 76-10-101.
- 357 (2)(a) A peace officer may investigate the possible violation of:
- 358 (i) Section 32B-4-403 by requesting an individual under 21 years old to enter into
- 359 and attempt to purchase or make a purchase of alcohol from a retail establishment;
- 360 (ii) Section 76-10-114 by requesting an individual under 21 years old to enter into
- 361 and attempt to purchase or make a purchase from a retail establishment of:
- 362 (A) a tobacco product;
- 363 (B) an electronic cigarette product; or
- 364 (C) a nicotine product; or
- 365 (iii) Subsection [~~4-41-105(2)(d)~~] 4-41-105(2)(a)(iv) by requesting an individual under
- 366 21 years old to enter into and attempt to purchase or make a purchase of a
- 367 cannabinoid product that contains THC or a THC analog from a retail
- 368 establishment.
- 369 (b) A peace officer who is present at the site of a proposed purchase shall direct,
- 370 supervise, and monitor the individual requested to make the purchase.
- 371 (c) Immediately following a purchase or attempted purchase or as soon as practical the

- 372 supervising peace officer shall inform the cashier and the proprietor or manager of
373 the retail establishment that the attempted purchaser was under the legal age to
374 purchase:
- 375 (i) alcohol;
 - 376 (ii)(A) a tobacco product;
 - 377 (B) an electronic cigarette product; or
 - 378 (C) a nicotine product; or
 - 379 (iii) a cannabinoid product that contains THC or a THC analog.
- 380 (d) If a citation or information is issued, the citation or information shall be issued
381 within seven days after the day on which the purchase occurs.
- 382 (3)(a) If an individual under 18 years old is requested to attempt a purchase, a written
383 consent of that individual's parent or guardian shall be obtained before the individual
384 participates in any attempted purchase.
- 385 (b) An individual requested by the peace officer to attempt a purchase may:
- 386 (i) be a trained volunteer; or
 - 387 (ii) receive payment, but may not be paid based on the number of successful
388 purchases of alcohol, tobacco products, electronic cigarette products, nicotine
389 products, or cannabinoid products that contain THC or a THC analog.
- 390 (4) The individual requested by the peace officer to attempt a purchase and anyone
391 accompanying the individual attempting a purchase may use false identification in
392 attempting the purchase if:
- 393 (a) the Department of Public Safety created in Section 53-1-103 provides the false
394 identification;
 - 395 (b) the false identification:
 - 396 (i) accurately represents the individual's age; and
 - 397 (ii) displays a current photo of the individual; and
 - 398 (c) the peace officer maintains possession of the false identification at all times outside
399 the attempt to purchase.
- 400 (5) An individual requested to attempt to purchase or make a purchase pursuant to this
401 section is immune from prosecution, suit, or civil liability for the purchase of, attempted
402 purchase of, or possession of alcohol, a tobacco product, an electronic cigarette product,
403 a nicotine product, or a cannabinoid product that contains THC or a THC analog if a
404 peace officer directs, supervises, and monitors the individual.
- 405 (6)(a) Except as provided in Subsection (6)(b), a purchase attempted under this section

- 406 shall be conducted within a 12-month period:
- 407 (i) on a random basis at any one retail establishment location, not more often than
408 four times for the attempted purchase of alcohol;
- 409 (ii) a minimum of two times at a retail establishment that sells tobacco products,
410 electronic cigarette products, or nicotine products for the attempted purchase of a
411 tobacco product, an electronic cigarette product, or a nicotine product; and
- 412 (iii) a minimum of one time at a retail establishment that sells a cannabinoid product
413 that contains THC or a THC analog.
- 414 (b) This section does not prohibit an investigation or an attempt to purchase alcohol, a
415 tobacco product, an electronic cigarette product, or a nicotine product under this
416 section if:
- 417 (i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a
418 tobacco product, an electronic cigarette product, a nicotine product, or a
419 cannabinoid product that contains THC or a THC analog to an individual under
420 the age established by Section 32B-4-403, Section 76-10-114, or Subsection
421 4-41-105(2)(d); and
- 422 (ii) the supervising peace officer makes a written record of the grounds for the
423 reasonable suspicion.
- 424 (7)(a) The peace officer exercising direction, supervision, and monitoring of the
425 attempted purchase shall make a report of the attempted purchase, whether or not a
426 purchase was made.
- 427 (b) The report required by this Subsection (7) shall include:
- 428 (i) the name of the supervising peace officer;
- 429 (ii) the name of the individual attempting the purchase;
- 430 (iii) a photograph of the individual attempting the purchase showing how that
431 individual appeared at the time of the attempted purchase;
- 432 (iv) the name and description of the cashier or proprietor from whom the individual
433 attempted the purchase;
- 434 (v) the name and address of the retail establishment; and
- 435 (vi) the date and time of the attempted purchase.

436 **Section 8. Effective Date.**

437 This bill takes effect on May 7, 2025.