

Representative Walt Brooks proposes the following substitute bill:

MEDICAL CANNABIS GOVERNANCE REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill enacts provisions regarding medical cannabis governance.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ moves most oversight and regulation of medical cannabis pharmacies and couriers from the Department of Health and Human Services to the Department of Agriculture and Food;
- ▶ allows medical cannabis products to be delivered from a cannabis processing facility under certain circumstances;
- ▶ authorizes the Department of Health and Human Services to revoke a pharmacy medical provider registration;
- ▶ creates a Medical Cannabis Policy Advisory Board (board);
- ▶ outlines the duties of board;
- ▶ modifies the duties and membership of the medical cannabis governance working group (working group);
- ▶ extends a sunset date for the working group; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **4-41a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452

33 **4-41a-105**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

34 **4-41a-201**, as last amended by Laws of Utah 2022, Chapter 290

35 **4-41a-404**, as last amended by Laws of Utah 2020, Chapter 12

36 **4-41a-802**, as last amended by Laws of Utah 2022, Chapter 97

37 **10-9a-528**, as last amended by Laws of Utah 2021, Chapter 60

38 **17-27a-525**, as last amended by Laws of Utah 2021, Chapter 60

39 **26-61-202**, as last amended by Laws of Utah 2022, Chapter 415

40 **26-61a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452

41 **26-61a-103**, as last amended by Laws of Utah 2022, Chapters 290, 415

42 **26-61a-105**, as last amended by Laws of Utah 2022, Chapter 452

43 **26-61a-106**, as last amended by Laws of Utah 2022, Chapters 415, 452

44 **26-61a-109**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5

45 **26-61a-201**, as last amended by Laws of Utah 2022, Chapters 198, 290 and 452

46 **26-61a-403**, as last amended by Laws of Utah 2022, Chapters 415, 452

47 **26-61a-601**, as last amended by Laws of Utah 2021, Chapter 337

48 **26-61a-701**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

49 **26-61a-703**, as last amended by Laws of Utah 2022, Chapter 97

50 **36-12-8.2**, as enacted by Laws of Utah 2022, Chapter 97

51 **58-17b-302**, as last amended by Laws of Utah 2022, Chapter 353

52 **58-17b-502**, as last amended by Laws of Utah 2022, Chapter 465

53 **58-37-3.8**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5

54 **63I-2-236**, as last amended by Laws of Utah 2022, Chapters 97, 141, 363, 437, and 458

55 **78A-2-231**, as last amended by Laws of Utah 2022, Chapter 256

56 **80-3-110**, as last amended by Laws of Utah 2022, Chapter 256

57 **80-4-109**, as enacted by Laws of Utah 2021, Chapter 261

58 ENACTS:

59 **4-41a-110**, Utah Code Annotated 1953

60 **4-41a-1201**, Utah Code Annotated 1953

61 **4-41a-1206**, Utah Code Annotated 1953

62 **26-61a-206**, Utah Code Annotated 1953

63 **26-61a-801**, Utah Code Annotated 1953

64 **26-61a-802**, Utah Code Annotated 1953

65 **26-61a-803**, Utah Code Annotated 1953

66 RENUMBERS AND AMENDS:

67 **4-41a-108**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,
68 Chapter 12)

69 **4-41a-109**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter
70 452)

71 **4-41a-801.1**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,
72 Chapter 452)

73 **4-41a-1001**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,
74 Chapter 290)

75 **4-41a-1002**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,
76 First Special Session, Chapter 5)

77 **4-41a-1003**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,
78 Chapters 290, 415)

79 **4-41a-1004**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,
80 First Special Session, Chapter 5)

81 **4-41a-1005**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,
82 Chapter 290)

83 **4-41a-1101**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,
84 Chapters 290, 415)

85 **4-41a-1102**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,
86 Chapter 290)

87 **4-41a-1103**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,

88 Chapter 350)

89 **4-41a-1104**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,
90 Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter
91 290)

92 **4-41a-1105**, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,
93 Chapter 12)

94 **4-41a-1106**, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,
95 Chapters 290, 415)

96 **4-41a-1107**, (Renumbered from 26-61a-402, as renumbered and amended by Laws of
97 Utah 2018, Third Special Session, Chapter 1)

98 **4-41a-1202**, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,
99 Chapters 290, 452)

100 **4-41a-1203**, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,
101 Chapter 415)

102 **4-41a-1204**, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,
103 Chapters 290, 415)

104 **4-41a-1205**, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,
105 Chapter 452)

106 **26-61a-404**, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,
107 Chapter 415)

108 REPEALS:

109 **26-61a-108**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

110 **26-61a-506**, as last amended by Laws of Utah 2022, Chapter 415

111

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

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

114 **CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS AND**
115 **PHARMACIES**

116 **4-41a-102. Definitions.**

117 As used in this chapter:

118 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may

119 be injurious to health, including:

- 120 (a) pesticides;
- 121 (b) heavy metals;
- 122 (c) solvents;
- 123 (d) microbial life;
- 124 (e) toxins; or
- 125 (f) foreign matter.

126 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
127 Section 26-61a-801.

128 [~~2~~] (3) "[Cannabis Research Review Board]" means the Cannabis Research Review
129 Board created in Section 26-61-201.

130 [~~3~~] (4) "Cannabis" means the same as that term is defined in Section 26-61a-102.

131 [~~4~~] (5) "Cannabis concentrate" means:

- 132 (a) the product of any chemical or physical process applied to naturally occurring
133 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 134 (b) any amount of a natural, derivative, or synthetic cannabinoid in the synthetic
135 cannabinoid's purified state.

136 [~~5~~] (6) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is
137 not intended to be sold as a cannabis plant product.

138 [~~6~~] (7) "Cannabis cultivation facility" means a person that:

- 139 (a) possesses cannabis;
- 140 (b) grows or intends to grow cannabis; and
- 141 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
142 processing facility, or a medical cannabis research licensee.

143 [~~7~~] (8) "Cannabis cultivation facility agent" means an individual who:

- 144 (a) is an employee of a cannabis cultivation facility; and
- 145 (b) holds a valid cannabis production establishment agent registration card.

146 [~~8~~] (9) "Cannabis derivative product" means a product made using cannabis
147 concentrate.

148 [~~9~~] (10) "Cannabis plant product" means any portion of a cannabis plant intended to
149 be sold in a form that is recognizable as a portion of a cannabis plant.

150 [~~(10)~~] (11) "Cannabis processing facility" means a person that:

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

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

153 (c) manufactures or intends to manufacture a cannabis product from unprocessed

154 cannabis or a cannabis extract; and

155 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a

156 medical cannabis research licensee.

157 [~~(11)~~] (12) "Cannabis processing facility agent" means an individual who:

158 (a) is an employee of a cannabis processing facility; and

159 (b) holds a valid cannabis production establishment agent registration card.

160 [~~(12)~~] (13) "Cannabis product" means the same as that term is defined in Section

161 [26-61a-102](#).

162 [~~(13)~~] (14) "Cannabis production establishment" means a cannabis cultivation facility,
163 a cannabis processing facility, or an independent cannabis testing laboratory.

164 [~~(14)~~] (15) "Cannabis production establishment agent" means a cannabis cultivation
165 facility agent, a cannabis processing facility agent, or an independent cannabis testing
166 laboratory agent.

167 [~~(15)~~] (16) "Cannabis production establishment agent registration card" means a
168 registration card that the department issues that:

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

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

172 [~~(16)~~] (17) "Community location" means a public or private elementary or secondary
173 school, a church, a public library, a public playground, or a public park.

174 [~~(17)~~] (18) "Cultivation space" means, quantified in square feet, the horizontal area in
175 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
176 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above
177 other plants in multiple levels.

178 (19) "Delivery address" means:

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

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

182 [~~(18)~~] (20) "Department" means the Department of Agriculture and Food.

183 [~~(19)~~] (21) "Derivative cannabinoid" means any cannabinoid that has been intentionally
184 created using a process to convert a naturally occurring cannabinoid into another cannabinoid.

185 [~~(20)~~] (22) "Family member" means a parent, step-parent, spouse, child, sibling,
186 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
187 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

188 (23) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
189 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
190 shipments to a medical cannabis cardholder's delivery address to fulfill electronic orders that
191 the state central patient portal facilitates.

192 [~~(21)~~] (24) (a) "Independent cannabis testing laboratory" means a person that:

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

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

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

198 [~~(22)~~] (25) "Independent cannabis testing laboratory agent" means an individual who:

199 (a) is an employee of an independent cannabis testing laboratory; and

200 (b) holds a valid cannabis production establishment agent registration card.

201 [~~(23)~~] (26) "Industrial hemp waste" means:

202 (a) a cannabinoid concentrate; or

203 (b) industrial hemp biomass.

204 [~~(24)~~] (27) "Inventory control system" means a system described in Section 4-41a-103.

205 [~~(25)~~] (28) "Licensing board" or "board" means the Cannabis Production Establishment
206 Licensing Advisory Board created in Section 4-41a-201.1.

207 [~~(26)~~] (29) "Medical cannabis" means the same as that term is defined in Section
208 26-61a-102.

209 [~~(27)~~] (30) "Medical cannabis card" means the same as that term is defined in Section
210 26-61a-102.

211 (31) "Medical cannabis courier" means a courier that:

212 (a) the department licenses in accordance with Section 4-41a-1201; and
213 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
214 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

215 (32) "Medical cannabis courier agent" means an individual who:

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

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

218 ~~[(28)]~~ (33) "Medical cannabis pharmacy" means the same as that term is defined in
219 Section 26-61a-102.

220 ~~[(29)]~~ (34) "Medical cannabis pharmacy agent" means the same as that term is defined
221 in Section 26-61a-102.

222 ~~[(30)]~~ (35) "Medical cannabis research license" means a license that the department
223 issues to a research university for the purpose of obtaining and possessing medical cannabis for
224 academic research.

225 ~~[(31)]~~ (36) "Medical cannabis research licensee" means a research university that the
226 department licenses to obtain and possess medical cannabis for academic research, in
227 accordance with Section 4-41a-901.

228 (37) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
229 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
230 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
231 cannabis order that the state central patient portal facilitates.

232 ~~[(32)]~~ (38) "Medical cannabis treatment" means the same as that term is defined in
233 Section 26-61a-102.

234 ~~[(33)]~~ (39) "Medicinal dosage form" means the same as that term is defined in Section
235 26-61a-102.

236 (40) "Pharmacy medical provider" means the same as that term is defined in Section
237 26-61a-102.

238 ~~[(34)]~~ (41) "Qualified medical provider" means the same as that term is defined in
239 Section 26-61a-102.

240 ~~[(35)]~~ (42) "Qualified Production Enterprise Fund" means the fund created in Section
241 4-41a-104.

242 ~~[(36)]~~ (43) "Recommending medical provider" means the same as that term is defined

243 in Section 26-61a-102.

244 [(37)] (44) "Research university" means the same as that term is defined in Section
245 53B-7-702 and a private, nonprofit college or university in the state that:

- 246 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 247 (b) grants doctoral degrees; and
- 248 (c) has a laboratory containing or a program researching a schedule I controlled
249 substance described in Section 58-37-4.

250 [(38)] (45) "State electronic verification system" means the system described in Section
251 26-61a-103.

252 [(39)] (46) "Synthetic cannabinoid" means any cannabinoid that:

- 253 (a) was chemically synthesized from starting materials other than a naturally occurring
254 cannabinoid; and
- 255 (b) is not a derivative cannabinoid.

256 [(40)] (47) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
257 Section 4-41-102.

258 [(41)] (48) "THC analog" means the same as that term is defined in Section 4-41-102.

259 [(42)] (49) "Total composite tetrahydrocannabinol" means all detectable forms of
260 tetrahydrocannabinol.

261 [(43)] (50) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
262 defined in Section 4-41-102.

263 Section 2. Section 4-41a-105 is amended to read:

264 **4-41a-105. Agreement with a tribe.**

265 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
266 band.

267 (2) (a) In accordance with this section, the governor may enter into an agreement with a
268 tribe to allow for the operation of a cannabis production establishment or a medical cannabis
269 pharmacy on tribal land located within the state.

270 (b) An agreement described in Subsection (2)(a) may not exempt any person from the
271 requirements of this chapter.

272 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

- 273 (i) is in writing;

- 274 (ii) is signed by:
- 275 (A) the governor; and
- 276 (B) the governing body of the tribe that the tribe designates and has the authority to
- 277 bind the tribe to the terms of the agreement;
- 278 (iii) states the effective date of the agreement;
- 279 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
- 280 becomes inconsistent with a state statute; and
- 281 (v) includes any accommodation that the tribe makes:
- 282 (A) to which the tribe agrees; and
- 283 (B) that is reasonably related to the agreement.
- 284 (d) Before executing an agreement under this Subsection (2), the governor shall consult
- 285 with the department.
- 286 (e) At least 30 days before the execution of an agreement described in this Subsection
- 287 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
- 288 in which the agreement will be executed to:
- 289 (i) the chairs of the Native American Legislative Liaison Committee; and
- 290 (ii) the Office of Legislative Research and General Counsel.

291 Section 3. Section **4-41a-108**, which is renumbered from Section 26-61a-603 is

292 renumbered and amended to read:

293 ~~[26-61a-603]~~. **4-41a-108. Payment provider for electronic medical cannabis**

294 **transactions.**

295 (1) A cannabis production establishment, a medical cannabis pharmacy, or a

296 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall

297 submit to the Division of Finance and the state treasurer information regarding the payment

298 provider the prospective licensee will use to conduct financial transactions related to medical

299 cannabis, including:

- 300 (a) the name and contact information of the payment provider;
- 301 (b) the nature of the relationship between the establishment, pharmacy, or prospective
- 302 pharmacy and the payment provider; and
- 303 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
- 304 prospective licensee and the payment provider have in place to safely and reliably conduct

305 financial transactions for medical cannabis shipments.

306 (2) The Division of Finance shall, in consultation with the state treasurer:

307 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
308 make rules to establish standards for identifying payment providers that demonstrate the
309 functional and technical ability to safely conduct financial transactions related to medical
310 cannabis, including medical cannabis shipments;

311 (b) review submissions the Division of Finance and the state treasurer receive under
312 Subsection (1);

313 (c) approve a payment provider that meets the standards described in Subsection (2)(a);
314 and

315 (d) establish a list of approved payment providers.

316 (3) Any licensed cannabis production establishment, licensed medical cannabis
317 pharmacy, or medical cannabis courier may use a payment provider that the Division of
318 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
319 establishment's, pharmacy's, or courier's respective medical cannabis business.

320 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
321 payments through or deposit funds in a financial institution, a cannabis production
322 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
323 funds in a financial institution in addition to or instead of a payment provider that the Division
324 of Finance approves, in consultation with the state treasurer, under this section.

325 Section 4. Section **4-41a-109**, which is renumbered from Section 26-61a-116 is
326 renumbered and amended to read:

327 ~~[26-61a-116]~~. **4-41a-109. Advertising.**

328 (1) Except as provided in this chapter, a person may not advertise regarding the
329 recommendation, sale, dispensing, or transportation of medical cannabis.

330 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
331 this chapter, the person advertising may not advertise:

332 (a) using promotional discounts or incentives;

333 (b) a particular medical cannabis product, medical cannabis device, or medicinal
334 dosage form; or

335 (c) an assurance regarding an outcome related to medical cannabis treatment.

336 (3) Notwithstanding Subsection (1):

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

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

344 (4) To ensure that the name and logo of a licensee under this chapter have a medical
345 rather than a recreational disposition, the name and logo of the licensee:

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

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

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

351 (b) may not include:

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

354 (ii) an emphasis on a psychoactive ingredient;

355 (iii) a specific cannabis strain; or

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

360 (5) The department shall define standards for advertising authorized under this chapter,
361 including names and logos in accordance with Subsection (4), to ensure a medical rather than
362 recreational disposition.

363 Section 5. Section **4-41a-110** is enacted to read:

364 **4-41a-110. Department coordination with the advisory board.**

365 The department shall:

366 (1) provide draft rules made under this chapter to the advisory board for the advisory

367 board's review;

368 (2) consult with the advisory board before issuing an additional:

369 (a) cultivation facility license under Section [4-41a-205](#); or

370 (b) pharmacy license under Section [4-41a-1005](#);

371 (3) consult with the advisory board regarding fees set by the department that pertain to
372 the medical cannabis program; and

373 (4) when appropriate, consult with the advisory board regarding issues that arise in the
374 medical cannabis program.

375 Section 6. Section **4-41a-201** is amended to read:

376 **4-41a-201. Cannabis production establishment -- License.**

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

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

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

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

385 (B) allow for comments and questions in the development of applications;

386 (C) timely and objectively evaluate applications;

387 (D) hold public hearings that the department deems appropriate; and

388 (E) select applicants to receive a license.

389 (iii) The department may not issue a license to operate a cannabis production
390 establishment to an applicant who is not eligible for a license under this section.

391 (b) An applicant is eligible for a license under this section if the applicant submits to
392 the licensing board:

393 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
394 cultivation facility, addresses of no more than two facility locations, located in a zone described
395 in Subsection [4-41a-406\(2\)\(a\)](#) or (b), where the applicant will operate the cannabis production
396 establishment;

397 (ii) the name and address of any individual who has:

398 (A) for a publicly traded company, a financial or voting interest of 2% or greater in the
399 proposed cannabis production establishment;

400 (B) for a privately held company, a financial or voting interest in the proposed cannabis
401 production establishment; or

402 (C) the power to direct or cause the management or control of a proposed cannabis
403 production establishment;

404 (iii) an operating plan that:

405 (A) complies with Section 4-41a-204;

406 (B) includes operating procedures that comply with this chapter and any law the
407 municipality or county in which the person is located adopts that is consistent with Section
408 4-41a-406; and

409 (C) the department or licensing board approves;

410 (iv) a statement that the applicant will obtain and maintain a performance bond that a
411 surety authorized to transact surety business in the state issues in an amount of at least:

412 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies; or

413 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
414 laboratory for which the applicant applies;

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

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

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

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

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

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

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

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

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

437 (a) the applicant shall pay the department:

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

440 (ii) a fee for a 120-day limited license to operate as a cannabis processing facility
441 described in Subsection (3)(b) that is equal to 33% of the initial license fee described in
442 Subsection (3)(a)(i); and

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

445 (4) (a) Except as provided in Subsection (4)(b), a cannabis production establishment
446 shall obtain a separate license for each type of cannabis production establishment and each
447 location of a cannabis production establishment.

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

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

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

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

458 (b) has an owner, officer, director, or employee whose family member holds a license
459 or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or

460 a cannabis cultivation facility; or

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

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

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

467 (i) a felony; or

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

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

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

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

475 (b) If an applicant for a license to operate a cannabis cultivation facility under this
476 section holds a license to operate a medical cannabis pharmacy under [~~Title 26, Chapter 61a,~~
477 ~~Utah Medical Cannabis Act~~] this title, the licensing board[:]

478 [~~(i) shall consult with the Department of Health regarding the applicant; and~~]

479 [~~(ii)~~] may give consideration to the applicant based on the applicant's status as a holder
480 of a medical cannabis pharmacy license if:

481 [~~(A)~~] (i) the applicant demonstrates that a decrease in costs to patients is more likely to
482 result from the applicant's vertical integration than from a more competitive marketplace; and

483 [~~(B)~~] (ii) the licensing board finds multiple other factors, in addition to the existing
484 license, that support granting the new license.

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

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

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

490 (c) if any individual described in Subsection (2)(b) is convicted, while the license is

491 active, under state or federal law of:

492 (i) a felony; or

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

494 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
495 the time of application, or fails to supplement the information described in Subsection
496 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
497 application within 14 calendar days after the licensee receives notice of the investigation or
498 adverse action;

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

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

506 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
507 laboratory fails to substantially meet the performance standards described in Subsection
508 (14)(b).

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

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

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

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

521 (13) (a) The department's authority, and consequently the licensing board's authority, to

522 issue a license under this section is plenary and is not subject to review.

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

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

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

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

528 (i) may not issue more than four licenses to operate an independent cannabis testing
529 laboratory;

530 (ii) may operate or partner with a research university to operate an independent
531 cannabis testing laboratory;

532 (iii) if the department operates or partners with a research university to operate an
533 independent cannabis testing laboratory, may not cease operating or partnering with a research
534 university to operate the independent cannabis testing laboratory unless:

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

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

540 (iv) after ceasing department or research university operations under Subsection
541 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

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

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

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

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

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

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

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

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

556 (A) conduct the application review described in Section 4-41a-201.1; and

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

561 (iii) if the board approves the license application, notwithstanding Subsection (3), the
562 cannabis production establishment shall pay a license fee that the department sets in
563 accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the
564 application review.

565 Section 7. Section 4-41a-404 is amended to read:

566 **4-41a-404. Medical cannabis transportation.**

567 (1) (a) [~~Only~~] Except as provided in Part 12, Medical Cannabis Home Delivery and
568 Couriers, the following individuals may transport cannabis or a cannabis product under this
569 chapter:

570 (i) a registered cannabis production establishment agent; [~~or~~]

571 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment
572 that the cardholder is authorized to possess under this chapter[~~;~~];

573 (iii) a registered medical cannabis pharmacy agent;

574 (iv) a registered medical cannabis courier agent; and

575 (v) a registered pharmacy medical provider.

576 (b) Only an agent of a cannabis cultivation facility, when the agent is transporting
577 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,
578 may transport unprocessed cannabis outside of a medicinal dosage form.

579 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter
580 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment, an
581 individual transporting cannabis or a cannabis product shall possess a transportation manifest
582 that:

583 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant

584 inventory control system;

585 (b) includes origin and destination information for any cannabis or cannabis product
586 that the individual is transporting; and

587 (c) identifies the departure and arrival times and locations of the individual
588 transporting the cannabis or cannabis product.

589 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
590 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
591 Act, requirements for transporting cannabis or cannabis product to ensure that the cannabis or
592 cannabis product remains safe for human consumption.

593 (b) The transportation described in Subsection (3)(a) is limited to transportation:

594 (i) between a cannabis production establishment and another cannabis production
595 establishment; and

596 (ii) between a cannabis processing facility and a medical cannabis pharmacy.

597 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a
598 transport described in this section with a manifest that does not meet the requirements of this
599 section.

600 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

601 (i) guilty of an infraction; and

602 (ii) subject to a \$100 fine.

603 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
604 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
605 underlying the violation described in Subsection (4)(b).

606 (d) If the agent described in Subsection (4)(a) is transporting more cannabis or
607 cannabis product than the manifest identifies, except for a de minimis administrative error:

608 (i) the penalty described in Subsection (4)(b) does not apply; and

609 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled
610 Substances Act.

611 (5) Nothing in this section prevents the department from taking administrative
612 enforcement action against a cannabis production establishment, medical cannabis pharmacy,
613 medical cannabis courier, or another person for failing to make a transport in compliance with
614 the requirements of this section.

615 (6) An individual other than an individual described in Subsection (1) may transport a
616 medical cannabis device within the state if the transport does not also contain medical
617 cannabis.

618 Section 8. Section **4-41a-801.1**, which is renumbered from Section 26-61a-702 is
619 renumbered and amended to read:

620 ~~[26-61a-702]~~. **4-41a-801.1. Enforcement for medical cannabis pharmacies**
621 **and couriers -- Fine -- Citation.**

622 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
623 courier's violation of this chapter or an applicable administrative rule:

- 624 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;
- 625 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
626 license; or
- 627 (iii) assess the medical cannabis pharmacy or medical cannabis courier an
628 administrative penalty.

629 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
630 courier agent's violation of this chapter:

- 631 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
632 registration card;
- 633 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
634 agent registration card; or
- 635 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
636 administrative penalty.

637 (2) The department shall deposit an administrative penalty imposed under this section
638 into the General Fund.

639 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
640 of a violation in an adjudicative proceeding under this section, the department may:

- 641 (a) for a fine amount not already specified in law, assess the person a fine of up to
642 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
643 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 644 (b) order the person to cease and desist from the action that creates a violation.

645 (4) The department may not revoke a medical cannabis pharmacy's license or a medical

646 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
647 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
648 Chapter 4, Administrative Procedures Act.

649 (5) If, within 20 calendar days after the day on which the department issues a citation
650 for a violation of this chapter, the person that is the subject of the citation fails to request a
651 hearing to contest the citation, the citation becomes the department's final order.

652 (6) The department may, for a person who fails to comply with a citation under this
653 section:

- 654 (a) refuse to issue or renew the person's license or agent registration card; or
- 655 (b) suspend, revoke, or place on probation the person's license or agent registration
656 card.

657 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
658 this chapter, if an individual violates a provision of this chapter, the individual is:

- 659 (i) guilty of an infraction; and
- 660 (ii) subject to a \$100 fine.

661 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
662 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
663 underlying the violation described in Subsection (7)(a).

664 Section 9. Section **4-41a-802** is amended to read:

665 **4-41a-802. Report.**

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

- 668 (a) the number of applications and renewal applications that the department receives
669 under this chapter;
- 670 (b) the number of each type of cannabis production facility that the department licenses
671 in each county;
- 672 (c) the amount of cannabis that licensees grow;
- 673 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 674 (e) the number of licenses the department revokes under this chapter;
- 675 (f) the department's operation of an independent cannabis testing laboratory under

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

- 677 (i) the cannabis and cannabis products the department tested; and
- 678 (ii) the results of the tests the department performed; and
- 679 (g) the expenses incurred and revenues generated under this chapter.

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

682 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the
 683 working group described in Section [36-12-8.2](#) as requested by the working group.

684 Section 10. Section **4-41a-1001**, which is renumbered from Section 26-61a-301 is
 685 renumbered and amended to read:

686 **Part 10. Medical Cannabis Pharmacy License**

687 [~~26-61a-301~~]. **4-41a-1001. Medical cannabis pharmacy -- License --**

688 **Eligibility.**

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

691 (2) (a) (i) Subject to Subsections (4) and (5) and to Section [~~26-61a-305~~] [4-41a-1005](#),
 692 the department shall issue a license to operate a medical cannabis pharmacy in accordance with
 693 Title 63G, Chapter 6a, Utah Procurement Code.

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

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

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

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

701 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
 702 the proposed medical cannabis pharmacy;

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

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

707 (iii) a statement that the applicant will obtain and maintain a performance bond that a

708 surety authorized to transact surety business in the state issues in an amount of at least
709 \$100,000 for each application that the applicant submits to the department;

710 (iv) an operating plan that:

711 (A) complies with Section [~~26-61a-304~~] [4-41a-1004](#);

712 (B) includes operating procedures to comply with the operating requirements for a
713 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
714 law that is consistent with Section [~~26-61a-507~~] [4-41a-1106](#); and

715 (C) the department approves;

716 (v) an application fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]
717 [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

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

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

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

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

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

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

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

735 (d) The department may not issue a license to an eligible applicant that the department
736 has selected to receive a license until the selected eligible applicant obtains the performance
737 bond described in Subsection (2)(b)(iii).

738 (e) If the department receives more than one application for a medical cannabis

739 pharmacy within the same city or town, the department shall consult with the local land use
740 authority before approving any of the applications pertaining to that city or town.

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

743 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
744 ~~[26-61a-109(5)]~~ 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

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

747 (c) charge the licensee a fee in an amount that, subject to Subsection ~~[26-61a-109(5)]~~
748 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in
749 location, ownership, or company structure.

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

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

753 (i) a felony; or

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

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

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

757 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
758 ~~[a] another~~ license under ~~[Title 4, Chapter 41, Hemp and Cannabinoid Act]~~ this chapter, the
759 department may not give preference to the applicant based on the applicant's status as a holder
760 of the license.

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

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

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

768 ~~[(b) If an applicant for a medical cannabis pharmacy license under this section holds a~~
769 ~~license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis~~

770 Production Establishments, the department:]

771 ~~[(i) shall consult with the Department of Agriculture and Food regarding the applicant;~~
772 ~~and]~~

773 ~~[(ii) may give consideration to the applicant based on the applicant's status as a holder~~
774 ~~of a license to operate a cannabis cultivation facility if:]~~

775 ~~[(A) the applicant demonstrates that a decrease in costs to patients is more likely to~~
776 ~~result from the applicant's vertical integration than from a more competitive marketplace; and]~~

777 ~~[(B) the department finds multiple other factors, in addition to the existing license, that~~
778 ~~support granting the new license:]~~

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

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

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

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

787 (A) a felony; or

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

789 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
790 the time of application, or fails to supplement the information described in Subsection
791 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
792 application within 14 calendar days after the licensee receives notice of the investigation or
793 adverse action;

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

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

800 (b) The department shall rescind a notice of an intent to issue a license under this part

801 to an applicant or revoke a license issued under this part if the associated medical cannabis
802 pharmacy does not begin operation on or before June 1, 2021.

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

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

811 (8) The department shall deposit the proceeds of a fee imposed by this section into the
812 Qualified [~~Patient~~] Production Enterprise Fund.

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

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

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

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

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

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

822 (b) A medical cannabis pharmacy shall report in writing to the department no later than
823 10 business days before the date of any change of ownership of the medical cannabis
824 pharmacy.

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

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

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

830 (A) conduct an application review; and

831 (B) award a license to the medical cannabis pharmacy for the remainder of the term of

832 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
833 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
834 pharmacy described in this chapter; and

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

839 Section 11. Section **4-41a-1002**, which is renumbered from Section 26-61a-302 is
840 renumbered and amended to read:

841 ~~[26-61a-302]~~. **4-41a-1002. Medical cannabis pharmacy owners and**
842 **directors -- Criminal background checks.**

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

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

850 Generation Identification System's Rap Back Service; and

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

852 (i) the Bureau of Criminal Identification; and
853 (ii) the Federal Bureau of Investigation.

854 (2) The Bureau of Criminal Identification shall:

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

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

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

862 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next

863 Generation Identification System's Rap Back Service for search by future submissions to
864 national criminal records databases, including the Next Generation Identification System and
865 latent prints; and

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

869 (3) The department shall:

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

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

875 Section 12. Section **4-41a-1003**, which is renumbered from Section 26-61a-303 is
876 renumbered and amended to read:

877 ~~[26-61a-303].~~ **4-41a-1003. Renewal.**

878 (1) The department shall renew a license under this part every year if, at the time of
879 renewal:

880 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ [4-41a-1001](#);

881 (b) the licensee pays the department a license renewal fee in an amount that, subject to
882 Subsection ~~[26-61a-109(5)]~~ [4-41a-1004\(5\)](#), the department sets in accordance with Section
883 [63J-1-504](#); and

884 (c) if the medical cannabis pharmacy changes the operating plan described in Section
885 ~~[26-61a-304]~~ [4-41a-1004](#) that the department approved under Subsection
886 ~~[26-61a-301(2)(b)(iv)]~~ [4-41a-1001\(2\)\(b\)\(iv\)](#), the department approves the new operating plan.

887 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
888 pharmacy's license, the department shall publish notice of an available license:

889 (i) in a newspaper of general circulation for the geographic area in which the medical
890 cannabis pharmacy license is available; or

891 (ii) on the Utah Public Notice Website established in Section [63A-16-601](#).

892 (b) The department may establish criteria, in collaboration with the Division of
893 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter

894 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
895 constitute abandonment of a medical cannabis pharmacy license.

896 (3) If the department has not completed the necessary processes to make a
897 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
898 license, the department may issue a conditional medical cannabis pharmacy license to a
899 licensed medical cannabis pharmacy that has applied for license renewal under this section and
900 paid the fee described in Subsection (1)(b).

901 Section 13. Section ~~4-41a-1004~~, which is renumbered from Section 26-61a-304 is
902 renumbered and amended to read:

903 ~~[26-61a-304]~~. **4-41a-1004. Operating plan.**

904 A person applying for a medical cannabis pharmacy license shall submit to the
905 department a proposed operation plan for the medical cannabis pharmacy [~~that complies with~~
906 ~~this section and~~] that includes:

907 (1) a description of the physical characteristics of the proposed facility, including a
908 floor plan and an architectural elevation;

909 (2) a description of the credentials and experience of:

910 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

911 (b) any highly skilled or experienced prospective employee;

912 (3) the medical cannabis pharmacy's employee training standards;

913 (4) a security plan;

914 (5) a description of the medical cannabis pharmacy's inventory control system,
915 including a plan to make the inventory control system compatible with the state electronic
916 verification system;

917 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
918 manner that is sanitary and preserves the integrity of the cannabis; and

919 (7) a description of the proposed medical cannabis pharmacy's strategic plan for
920 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

921 (a) the supply of medical cannabis and medical cannabis products, in consultation with
922 the [~~Department of Agriculture and Food~~] department; and

923 (b) the quantity and condition of the population of medical cannabis cardholders, in
924 consultation with the [~~department~~] Department of Health and Human Services.

925 Section 14. Section **4-41a-1005**, which is renumbered from Section 26-61a-305 is
926 renumbered and amended to read:

927 ~~[26-61a-305]~~. **4-41a-1005. Maximum number of licenses .**

928 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of
929 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
930 accordance with this section.

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

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

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

939 (ii) If the department issues licenses in two phases in accordance with Subsection
940 (1)(c)(i), the department shall:

941 (A) divide the state into no less than four geographic regions;

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

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

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

949 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
950 addition to the licenses described in Subsection (1)(a) if the department determines, in
951 consultation with the Department of ~~[Agriculture and Food]~~ Health and Human Services and
952 after an annual or more frequent analysis of the current and anticipated market for medical
953 cannabis, that each additional license is necessary to provide an adequate supply, quality, or
954 variety of medical cannabis to medical cannabis cardholders.

955 (ii) The department shall:

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

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

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

965 (i) evaluate each applicant and award the license to the applicant that best
966 demonstrates:

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

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

972 (C) positive connections to the local community;

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

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

977 (F) a strategic plan described in Subsection [~~26-61a-304(7)~~] [4-41a-1004\(7\)](#) that has a
978 comparatively high likelihood of success; and

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

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

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

985 (ii) accept payments through:

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

987 state treasurer, in accordance with Section ~~[26-61a-603]~~ [4-41a-108](#); or

988 (B) a financial institution in accordance with Subsection ~~[26-61a-603(4)]~~

989 [4-41a-108\(4\)](#).

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

992 ~~[(4)(a) The department may designate a medical cannabis pharmacy as a home
993 delivery medical cannabis pharmacy if the department determines that the medical cannabis
994 pharmacy's operating plan demonstrates the functional and technical ability to:]~~

995 ~~[(i) safely conduct transactions for medical cannabis shipments;]~~

996 ~~[(ii) accept electronic medical cannabis orders that the state central patient portal
997 facilitates; and]~~

998 ~~[(iii) accept payments through:]~~

999 ~~[(A) a payment provider that the Division of Finance approves, in consultation with the
1000 state treasurer, in accordance with Section [26-61a-603](#); or]~~

1001 ~~[(B) a financial institution in accordance with Subsection [26-61a-603\(4\)](#).]~~

1002 ~~[(b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
1003 shall identify in the applicant's operating plan any information relevant to the department's
1004 evaluation described in Subsection (4)(a), including:]~~

1005 ~~[(i) the name and contact information of the payment provider;]~~

1006 ~~[(ii) the nature of the relationship between the prospective licensee and the payment
1007 provider;]~~

1008 ~~[(iii) the processes of the following to safely and reliably conduct transactions for
1009 medical cannabis shipments:]~~

1010 ~~[(A) the prospective licensee; and]~~

1011 ~~[(B) the electronic payment provider or the financial institution described in Subsection
1012 (4)(a)(iii); and]~~

1013 ~~[(iv) the ability of the licensee to comply with the department's rules regarding the
1014 secure transportation and delivery of medical cannabis or medical cannabis product to a
1015 medical cannabis cardholder.]]~~

1016 ~~[(c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
1017 that the department designates as a home delivery medical cannabis pharmacy may deliver~~

1018 ~~medical cannabis shipments in accordance with this chapter.]~~

1019 Section 15. Section ~~4-41a-1101~~, which is renumbered from Section 26-61a-501 is
1020 renumbered and amended to read:

1021 **Part 11. Medical Cannabis Pharmacy Operation and Agents**

1022 ~~[26-61a-501].~~ **4-41a-1101. Operating requirements -- General.**

1023 (1) (a) A medical cannabis pharmacy shall operate:

1024 (i) at the physical address provided to the department under Section ~~[26-61a-301]~~
1025 4-41a-1001; and

1026 (ii) in accordance with the operating plan provided to the department under Section
1027 ~~[26-61a-301]~~ 4-41a-1001 and, if applicable, Section ~~[26-61a-304]~~ 4-41a-1004.

1028 (b) A medical cannabis pharmacy shall notify the department before a change in the
1029 medical cannabis pharmacy's physical address or operating plan.

1030 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

1031 (a) is at least 18 years old or is an emancipated minor under Section ~~80-7-105~~; and

1032 (b) except as provided in Subsection (4):

1033 (i) possesses a valid:

1034 (A) medical cannabis pharmacy agent registration card;

1035 (B) pharmacy medical provider registration card; or

1036 (C) medical cannabis card;

1037 (ii) is an employee of the department ~~[or the Department of Agriculture and Food]~~

1038 performing an inspection under Section ~~[26-61a-504]~~ 4-41a-1103; or

1039 (iii) is another individual as the department provides.

1040 (3) A medical cannabis pharmacy may not employ an individual who is younger than
1041 21 years old.

1042 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
1043 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
1044 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
1045 the individual at all times while the individual is at the medical cannabis pharmacy and
1046 maintains a record of the individual's access.

1047 (5) A medical cannabis pharmacy shall operate in a facility that has:

1048 (a) a single, secure public entrance;

- 1049 (b) a security system with a backup power source that:
- 1050 (i) detects and records entry into the medical cannabis pharmacy; and
- 1051 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 1052 cannabis pharmacy is closed; and
- 1053 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 1054 cannabis product.
- 1055 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
- 1056 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1057 ~~[26-61a-502(2)]~~ 4-41a-1102(2).
- 1058 (7) Except for an emergency situation described in Subsection 26-61a-201(3)(c), a
- 1059 medical cannabis pharmacy may not allow any individual to consume cannabis on the property
- 1060 or premises of the medical cannabis pharmacy.
- 1061 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
- 1062 first indicating on the cannabis or cannabis product label the name of the medical cannabis
- 1063 pharmacy.
- 1064 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 1065 following information regarding each recommendation underlying a transaction:
- 1066 (i) the recommending medical provider's name, address, and telephone number;
- 1067 (ii) the patient's name and address;
- 1068 (iii) the date of issuance;
- 1069 (iv) directions of use and dosing guidelines or an indication that the recommending
- 1070 medical provider did not recommend specific directions of use or dosing guidelines; and
- 1071 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 1072 cardholder who completed the transaction.
- 1073 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 1074 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
- 1075 container indicating the following minimum information:
- 1076 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1077 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1078 (C) the date of the sale;
- 1079 (D) the name of the patient;

1080 (E) the name of the recommending medical provider who recommended the medical
1081 cannabis treatment;

1082 (F) directions for use and cautionary statements, if any;

1083 (G) the amount dispensed and the cannabinoid content;

1084 (H) the suggested use date;

1085 (I) for unprocessed cannabis flower, the legal use termination date; and

1086 (J) any other requirements that the department determines, in consultation with the
1087 Division of Professional Licensing and the Board of Pharmacy.

1088 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
1089 following information under Subsection (9)(b)(i) if the information is already provided on the
1090 product label that a cannabis production establishment affixes:

1091 (A) a unique identification number;

1092 (B) directions for use and cautionary statements;

1093 (C) amount and cannabinoid content; and

1094 (D) a suggested use date.

1095 (iii) If the size of a medical cannabis container does not allow sufficient space to
1096 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
1097 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
1098 supplemental label attached to the container or an informational enclosure that accompanies the
1099 container:

1100 (A) the cannabinoid content;

1101 (B) the suggested use date; and

1102 (C) any other requirements that the department determines.

1103 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1104 cannabis pharmacy without a label described in Subsection (9)(b)(i).

1105 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1106 (a) upon receipt of an order from a limited medical provider in accordance with
1107 Subsections 26-61a-106(1)(b) through (d):

1108 (i) for a written order or an electronic order under circumstances that the department
1109 determines, contact the limited medical provider or the limited medical provider's office to
1110 verify the validity of the recommendation; and

1111 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1112 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
1113 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
1114 or renewal, including any associated directions of use, dosing guidelines, or caregiver
1115 indication, in the state electronic verification system;

1116 (b) in processing an order for a holder of a conditional medical cannabis card described
1117 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the
1118 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1119 medical provider or the recommending medical provider's office to verify the validity of the
1120 recommendation before processing the cardholder's order;

1121 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1122 [~~26-61a-502(4)~~] 26-61a-404(5) or [~~(5)~~] (6), verbally offer to a medical cannabis cardholder at
1123 the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal
1124 counseling with the pharmacy medical provider; and

1125 (d) provide a telephone number or website by which the cardholder may contact a
1126 pharmacy medical provider for counseling.

1127 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1128 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
1129 medical cannabis device, or medical cannabis product in a locked box or other secure
1130 receptacle within the medical cannabis pharmacy.

1131 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1132 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1133 can access deposited medical cannabis or medical cannabis products.

1134 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
1135 medical cannabis products by:

1136 (i) rendering the deposited medical cannabis or medical cannabis products unusable
1137 and unrecognizable before transporting deposited medical cannabis or medical cannabis
1138 products from the medical cannabis pharmacy; and

1139 (ii) disposing of the deposited medical cannabis or medical cannabis products in
1140 accordance with:

1141 (A) federal and state law, rules, and regulations related to hazardous waste;

1142 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1143 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1144 (D) other regulations that the department makes in accordance with Title 63G, Chapter

1145 3, Utah Administrative Rulemaking Act.

1146 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,

1147 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products

1148 by a medical cannabis pharmacy.

1149 Section 16. Section **4-41a-1102**, which is renumbered from Section 26-61a-502 is

1150 renumbered and amended to read:

1151 ~~[26-61a-502]~~. **4-41a-1102. Dispensing -- Amount a medical cannabis**

1152 **pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

1153 (1) (a) A medical cannabis pharmacy may not sell a product other than~~[-subject to this~~

1154 ~~chapter]~~:

1155 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired

1156 from another medical cannabis pharmacy or a cannabis processing facility that is licensed

1157 under Section [4-41a-201](#);

1158 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy

1159 acquired from another medical cannabis pharmacy or a cannabis processing facility that is

1160 licensed under Section [4-41a-201](#);

1161 (iii) a medical cannabis device; or

1162 (iv) educational material related to the medical use of cannabis.

1163 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to

1164 an individual with:

1165 (i) (A) a medical cannabis card; or

1166 (B) a department registration described in [~~Section [26-61a-201](#)(10)~~] Subsection

1167 [26-61a-201](#)(11); and

1168 (ii) a corresponding valid form of photo identification.

1169 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a

1170 cannabis-based drug that the United States Food and Drug Administration has approved.

1171 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a

1172 medical cannabis device to an individual described in Subsection [26-61a-201](#)(2)(a)(i)(B) or to a

1173 minor described in Subsection [26-61a-201\(2\)\(c\)](#) unless the individual or minor has the
 1174 approval of the Compassionate Use Board in accordance with Subsection [26-61a-105\(5\)](#).

1175 (2) A medical cannabis pharmacy:

1176 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
 1177 legal dosage limit of:

1178 (i) unprocessed cannabis that:

1179 (A) is in a medicinal dosage form; and

1180 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
 1181 cannabidiol in the cannabis; and

1182 (ii) a cannabis product that is in a medicinal dosage form; and

1183 (b) may not dispense:

1184 (i) more medical cannabis than described in Subsection (2)(a); or

1185 (ii) to an individual whose recommending medical provider did not recommend
 1186 directions of use and dosing guidelines, until the individual consults with the pharmacy
 1187 medical provider in accordance with Subsection ~~[(4);~~ [26-61a-404\(5\)](#) any medical cannabis.

1188 ~~[(3) An individual with a medical cannabis card:]~~

1189 ~~[(a) may purchase, in any one 28-day period, up to the legal dosage limit of:]~~

1190 ~~[(i) unprocessed cannabis in a medicinal dosage form; and]~~

1191 ~~[(ii) a cannabis product in a medicinal dosage form;]~~

1192 ~~[(b) may not purchase:]~~

1193 ~~[(i) more medical cannabis than described in Subsection (3)(a); or]~~

1194 ~~[(ii) if the relevant recommending medical provider did not recommend directions of~~
 1195 ~~use and dosing guidelines, until the individual consults with the pharmacy medical provider in~~
 1196 ~~accordance with Subsection (4), any medical cannabis; and]~~

1197 ~~[(c) may not use a route of administration that the relevant recommending medical~~
 1198 ~~provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not~~
 1199 ~~recommended.]~~

1200 ~~[(4) If a recommending medical provider recommends treatment with medical cannabis~~
 1201 ~~but wishes for the pharmacy medical provider to determine directions of use and dosing~~
 1202 ~~guidelines:]~~

1203 ~~[(a) the recommending medical provider shall provide to the pharmacy medical~~

1204 ~~provider, either through the state electronic verification system or through a medical cannabis~~
1205 ~~pharmacy's recording of a recommendation under the order of a limited medical provider, any~~
1206 ~~of the following information that the recommending medical provider feels would be needed to~~
1207 ~~provide appropriate directions of use and dosing guidelines:]~~

1208 ~~[(i) information regarding the qualifying condition underlying the recommendation;]~~

1209 ~~[(ii) information regarding prior treatment attempts with medical cannabis; and]~~

1210 ~~[(iii) portions of the patient's current medication list; and]~~

1211 ~~[(b) before the relevant medical cannabis cardholder may obtain medical cannabis, the~~
1212 ~~pharmacy medical provider shall:]~~

1213 ~~[(i) review pertinent medical records, including the recommending medical provider~~
1214 ~~documentation described in Subsection (4)(a); and]~~

1215 ~~[(ii) unless the pertinent medical records show directions of use and dosing guidelines~~
1216 ~~from a state central patient portal medical provider in accordance with Subsection (5), after~~
1217 ~~completing the review described in Subsection (4)(b)(i) and consulting with the recommending~~
1218 ~~medical provider as needed, determine the best course of treatment through consultation with~~
1219 ~~the cardholder regarding:]~~

1220 ~~[(A) the patient's qualifying condition underlying the recommendation from the~~
1221 ~~recommending medical provider;]~~

1222 ~~[(B) indications for available treatments;]~~

1223 ~~[(C) directions of use and dosing guidelines; and]~~

1224 ~~[(D) potential adverse reactions.]~~

1225 ~~[(5) (a) A state central patient portal medical provider may provide the consultation~~
1226 ~~and make the determination described in Subsection (4)(b) for a medical cannabis patient~~
1227 ~~cardholder regarding an electronic order that the state central patient portal facilitates.]~~

1228 ~~[(b) The state central patient portal medical provider described in Subsection (5)(a)~~
1229 ~~shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)~~
1230 ~~in the pertinent medical records.]~~

1231 ~~[(6)] (3) (a) A medical cannabis pharmacy shall:~~

1232 ~~(i) (A) access the state electronic verification system before dispensing cannabis or a~~
1233 ~~cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,~~
1234 ~~where applicable, the associated patient has met the maximum amount of medical cannabis~~

1235 described in Subsection (2); and

1236 (B) if the verification in Subsection [~~(6)(a)(i)~~] (3)(a)(i) indicates that the individual has
1237 met the maximum amount described in Subsection (2), decline the sale, and notify the
1238 recommending medical provider who made the underlying recommendation;

1239 (ii) submit a record to the state electronic verification system each time the medical
1240 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1241 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1242 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
1243 accordance with pharmacy practice standards;

1244 (iv) package any medical cannabis that is in a container that:

1245 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a
1246 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
1247 Section 26-61a-102;

1248 (B) is tamper-resistant and tamper-evident; and

1249 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
1250 transporting the container in public; and

1251 (v) for a product that is a cube that is designed for ingestion through chewing or
1252 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
1253 of over-consumption.

1254 (b) A medical cannabis cardholder transporting or possessing the container described
1255 in Subsection [~~(6)(a)(iv)~~] (3)(a)(iv) in public shall keep the container within the opaque bag or
1256 box that the medical cannabis pharmacist provides.

1257 [~~(7)~~] (4) (a) Except as provided in Subsection [~~(7)(b)~~] (4)(b), a medical cannabis
1258 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
1259 that is intentionally designed or constructed to resemble a cigarette.

1260 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1261 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
1262 individual's respiratory system.

1263 [~~(8)~~] (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
1264 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

1265 (b) A medical cannabis pharmacy may give, at no cost, educational material related to

1266 the medical use of cannabis.

1267 ~~[(9) The department may impose a uniform fee on each medical cannabis transaction in~~
1268 ~~a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the~~
1269 ~~department sets in accordance with Section 63J-1-504.]~~

1270 ~~[(10)]~~ (6) A medical cannabis pharmacy may purchase and store medical cannabis
1271 devices regardless of whether the seller has a cannabis-related license under this ~~[title or Title~~
1272 ~~4, Chapter 41a, Cannabis Production Establishments]~~ chapter or Title 26B, Utah Health and
1273 Human Services Code.

1274 Section 17. Section ~~4-41a-1103~~, which is renumbered from Section 26-61a-504 is
1275 renumbered and amended to read:

1276 ~~[26-61a-504].~~ 4-41a-1103. Inspections.

1277 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
1278 treatment recommendation files and other records in accordance with this chapter, department
1279 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
1280 104-191, 110 Stat. 1936, as amended.

1281 (2) (a) The department ~~[or the Department of Agriculture and Food]~~ may inspect the
1282 records, facility, and inventory of a medical cannabis pharmacy at any time during business
1283 hours in order to determine if the medical cannabis pharmacy complies with this chapter ~~[and~~
1284 ~~Title 4, Chapter 41a, Cannabis Production Establishments]~~.

1285 (b) The Department of Health and Human Services may inspect patient records held by
1286 a medical cannabis pharmacy:

1287 (i) for compliance with the federal Health Insurance Portability and Accountability Act
1288 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; or

1289 (ii) to ensure that a medical cannabis pharmacy is providing a cannabis product to a
1290 patient in accordance with the recommendations of the patient's recommending medical
1291 provider.

1292 (3) (a) An inspection conducted by the department under this section may include:

1293 ~~[(a)]~~ (i) ~~[inspection of]~~ inspecting a site, facility, vehicle, book, record, paper,
1294 document, data, or other physical or electronic information, or any combination of the above;

1295 ~~[(b)]~~ (ii) questioning of any relevant individual;

1296 ~~[(c)]~~ (iii) ~~[inspection of]~~ inspecting equipment, an instrument, a tool, or machinery,

1297 including a container or label;

1298 ~~[(d)]~~ (iv) random sampling of medical cannabis [~~by the Department of Agriculture and~~
1299 ~~Food]~~ in accordance with rules described in Section ~~4-41a-701~~; or

1300 ~~[(e)]~~ (v) seizure of medical cannabis, medical cannabis devices, or educational material
1301 as evidence in a department investigation or inspection or in instances of compliance failure.

1302 (b) An inspection conducted by the Department of Health and Human Services under
1303 Subsection (2)(b) may include:

1304 (i) inspecting a site, facility, vehicle, book, record, paper, document, data, or other
1305 physical or electronic information, or any combination of the above; or

1306 (ii) questioning of any relevant individual.

1307 (4) In making an inspection under this section~~[-]~~:

1308 (a) the department [~~or the Department of Agriculture and Food]~~ may freely access any
1309 area and review and make copies of a book, record, paper, document, data, or other physical or
1310 electronic information, including financial data, sales data, shipping data, pricing data, and
1311 employee data~~[-]~~; and

1312 (b) the Department of Health and Human Services may freely access any area and
1313 review and make copies of a book, record, paper, document, data, or other physical or
1314 electronic information related to patient records.

1315 (5) Failure to provide the department, the [~~Department of Agriculture and Food]~~
1316 Department of Health and Human Services, or the authorized agents of the department or the
1317 [~~Department of Agriculture and Food]~~ Department of Health and Human Services immediate
1318 access to records and facilities during business hours in accordance with this section may result
1319 in:

1320 (a) the imposition of a civil monetary penalty that the department sets in accordance
1321 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1322 (b) license or registration suspension or revocation; or

1323 (c) an immediate cessation of operations under a cease and desist order that the
1324 department issues.

1325 (6) Notwithstanding any other provision of law, the department may temporarily store
1326 in any department facility the items the department seizes under Subsection ~~[(3)(e)]~~ (3)(a)(v)
1327 until the department:

- 1328 (a) determines that sufficient compliance justifies the return of the seized items; or
- 1329 (b) disposes of the items in the same manner as a cannabis production establishment in
- 1330 accordance with Section [4-41a-405](#).

1331 Section 18. Section **4-41a-1104**, which is renumbered from Section 26-61a-505 is

1332 renumbered and amended to read:

1333 ~~[26-61a-505]~~. **4-41a-1104. Advertising.**

1334 (1) Except as provided in this section, a person may not advertise in any medium

1335 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

1336 (2) Subject to Section ~~[26-61a-116]~~ [4-41a-109](#), a medical cannabis pharmacy may:

- 1337 (a) advertise an employment opportunity at the medical cannabis pharmacy;
- 1338 (b) notwithstanding any municipal or county ordinance prohibiting signage, use
- 1339 signage on the outside of the medical cannabis pharmacy that:

1340 (i) includes only:

1341 (A) in accordance with Subsection ~~[26-61a-116(4)]~~ [4-41a-109\(4\)](#), the medical cannabis

1342 pharmacy's name, logo, and hours of operation; and

1343 (B) a green cross; and

1344 (ii) complies with local ordinances regulating signage;

1345 (c) advertise in any medium:

1346 (i) the pharmacy's name and logo;

1347 (ii) the location and hours of operation of the medical cannabis pharmacy;

1348 (iii) a service available at the medical cannabis pharmacy;

1349 (iv) personnel affiliated with the medical cannabis pharmacy;

1350 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical

1351 cannabis pharmacy;

1352 (vi) best practices that the medical cannabis pharmacy upholds; and

1353 (vii) educational material related to the medical use of cannabis, as defined by the

1354 department;

1355 (d) hold an educational event for the public or medical providers in accordance with

1356 Subsection (3) and the rules described in Subsection (4); and

1357 (e) maintain on the medical cannabis pharmacy's website non-promotional information

1358 regarding the medical cannabis pharmacy's inventory.

1359 (3) A medical cannabis pharmacy may not include in an educational event described in
1360 Subsection (2)(d):

1361 (a) any topic that conflicts with this chapter or [~~Title 4, Chapter 41a, Cannabis~~
1362 ~~Production Establishments~~] Title 26, Chapter 61a, Utah Medical Cannabis Act;

1363 (b) any gift items or merchandise other than educational materials, as those terms are
1364 defined by the department;

1365 (c) any marketing for a specific product from the medical cannabis pharmacy or any
1366 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
1367 Act, 21 U.S.C. Sec. 301, et seq.; or

1368 (d) a presenter other than the following:

1369 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1370 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1371 Practice Act;

1372 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1373 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1374 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1375 Assistant Act;

1376 (v) a medical practitioner, similar to [~~the practitioners~~] a practitioner described in [~~this~~
1377 ~~Subsection (3)(d)(v)] Subsections (3)(d)(i) through (iv), who is licensed in another state or
1378 country;~~

1379 (vi) a state employee; or

1380 (vii) if the presentation relates to a cannabis topic other than medical treatment or
1381 medical conditions, an individual whom the department approves based on the individual's
1382 background and credentials in the presented topic.

1383 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1384 Administrative Rulemaking Act, to define:

1385 (a) the educational material described in Subsection (2)(c)(vii); and

1386 (b) the elements of and restrictions on the educational event described in Subsection
1387 (3), including:

1388 (i) a minimum age of 21 years old for attendees; and

1389 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is

1390 at least 18 years old.

1391 Section 19. Section **4-41a-1105**, which is renumbered from Section 26-61a-507 is
1392 renumbered and amended to read:

1393 ~~[26-61a-507]~~. **4-41a-1105. Local control.**

1394 (1) The operation of a medical cannabis pharmacy:

1395 (a) shall be a permitted use:

1396 (i) in any zone, overlay, or district within the municipality or county except for a
1397 primarily residential zone; and

1398 (ii) on land that the municipality or county has not zoned; and

1399 (b) is subject to the land use regulations, as defined in Sections [10-9a-103](#) and
1400 [17-27a-103](#), that apply in the underlying zone.

1401 (2) A municipality or county may not:

1402 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
1403 law regarding the legal status of cannabis, deny or revoke:

1404 (i) a land use permit, as that term is defined in Sections [10-9a-103](#) and [17-27a-103](#), to
1405 operate a medical cannabis pharmacy; or

1406 (ii) a business license to operate a medical cannabis pharmacy;

1407 (b) require a certain distance between a medical cannabis pharmacy and:

1408 (i) another medical cannabis pharmacy;

1409 (ii) a cannabis production establishment;

1410 (iii) a retail tobacco specialty business, as that term is defined in Section [26-62-103](#); or

1411 (iv) an outlet, as that term is defined in Section [32B-1-202](#); or

1412 (c) in accordance with Subsections [10-9a-509\(1\)](#) and [17-27a-508\(1\)](#), enforce a land use
1413 regulation against a medical cannabis pharmacy that was not in effect on the day on which the
1414 medical cannabis pharmacy submitted a complete land use application.

1415 (3) (a) A municipality or county may enact an ordinance that:

1416 (i) is not in conflict with this chapter; and

1417 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the
1418 municipality or county.

1419 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not
1420 restrict the hours of operation from 7 a.m. to 10 p.m.

1421 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall
1422 comply with the land use requirements and application process described in:

1423 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
1424 including Section 10-9a-528; and

1425 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,
1426 including Section 17-27a-525.

1427 Section 20. Section ~~4-41a-1106~~, which is renumbered from Section 26-61a-401 is
1428 renumbered and amended to read:

1429 ~~[26-61a-401]~~. 4-41a-1106. Medical cannabis pharmacy agent --
1430 **Registration.**

1431 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1432 cannabis pharmacy unless the department registers the individual as a medical cannabis
1433 pharmacy agent.

1434 (2) A recommending medical provider may not act as a medical cannabis pharmacy
1435 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
1436 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1437 (3) (a) The department shall, within 15 days after the day on which the department
1438 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1439 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1440 registration card to the prospective agent if the medical cannabis pharmacy:

1441 (i) provides to the department:

1442 (A) the prospective agent's name and address;

1443 (B) the name and location of the licensed medical cannabis pharmacy where the
1444 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1445 (C) the submission required under Subsection (3)(b); and

1446 (ii) pays a fee to the department in an amount that, subject to Subsection
1447 ~~26-61a-109~~(5), the department sets in accordance with Section 63J-1-504.

1448 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
1449 registration card within less than one year after the expiration of the applicant's previous
1450 medical cannabis pharmacy agent registration card, each prospective agent described in
1451 Subsection (3)(a) shall:

- 1452 (i) submit to the department:
- 1453 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 1454 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 1455 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
- 1456 Generation Identification System's Rap Back Service; and
- 1457 (ii) consent to a fingerprint background check by:
- 1458 (A) the Bureau of Criminal Identification; and
- 1459 (B) the Federal Bureau of Investigation.
- 1460 (c) The Bureau of Criminal Identification shall:
- 1461 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
- 1462 the applicable state, regional, and national criminal records databases, including the Federal
- 1463 Bureau of Investigation Next Generation Identification System;
- 1464 (ii) report the results of the background check to the department;
- 1465 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 1466 Subsection (3)(b) for search by future submissions to the local and regional criminal records
- 1467 databases, including latent prints;
- 1468 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1469 Generation Identification System's Rap Back Service for search by future submissions to
- 1470 national criminal records databases, including the Next Generation Identification System and
- 1471 latent prints; and
- 1472 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 1473 receives notifications for an individual with whom the department maintains an authorizing
- 1474 relationship.
- 1475 (d) The department shall:
- 1476 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 1477 amount that the department sets in accordance with Section 63J-1-504 for the services that the
- 1478 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 1479 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 1480 Identification.
- 1481 (4) The department shall designate, on an individual's medical cannabis pharmacy
- 1482 agent registration card the name of the medical cannabis pharmacy where the individual is

1483 registered as an agent.

1484 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1485 the department develops in collaboration with the Division of Professional Licensing and the
1486 Board of Pharmacy, or a third-party certification standard that the department designates by
1487 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1488 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1489 (6) The department shall ensure that the certification standard described in Subsection
1490 (5) includes training in:

- 1491 (a) Utah medical cannabis law; and
- 1492 (b) medical cannabis pharmacy best practices.

1493 (7) The department may revoke the medical cannabis pharmacy agent registration card
1494 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1495 who:

- 1496 (a) violates the requirements of this chapter; or
- 1497 (b) is convicted under state or federal law of:
 - 1498 (i) a felony within the preceding 10 years; or
 - 1499 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1500 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1501 day on which the department issues or renews the card.

1502 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1503 agent:

- 1504 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1505 section;
- 1506 (ii) certifies to the department in a renewal application that the information in
1507 Subsection (3)(a) is accurate or updates the information; and
- 1508 (iii) pays to the department a renewal fee in an amount that:

1509 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1510 Section 63J-1-504; and

1511 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1512 comparison to the original application process.

1513 (9) (a) As a condition precedent to registration and renewal of a medical cannabis

1514 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1515 (i) complete at least one hour of continuing education regarding patient privacy and
1516 federal health information privacy laws that is offered by the department under Subsection
1517 (9)(b) or an accredited or approved continuing education provider that the department
1518 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
1519 practice; and

1520 (ii) make a continuing education report to the department in accordance with a process
1521 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1522 Administrative Rulemaking Act, and in collaboration with the Division of Professional
1523 Licensing and the Board of Pharmacy.

1524 (b) The department may, in consultation with the Division of Professional Licensing,
1525 develop the continuing education described in this Subsection (9).

1526 (c) The pharmacist-in-charge described in Section ~~26-61a-403~~ shall ensure that each
1527 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
1528 the state electronic verification system is in compliance with this Subsection (9).

1529 Section 21. Section ~~4-41a-1107~~, which is renumbered from Section 26-61a-402 is
1530 renumbered and amended to read:

1531 ~~[26-61a-402]~~. 4-41a-1107. **Medical cannabis pharmacy agent registration**
1532 **card -- Rebuttable presumption.**

1533 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
1534 pharmacy agent registration card with the individual at all times when:

1535 (a) the individual is on the premises of a medical cannabis pharmacy; and

1536 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
1537 product in a medicinal dosage form, or a medical cannabis device between a cannabis
1538 production establishment and a medical cannabis pharmacy.

1539 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
1540 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
1541 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
1542 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
1543 cannabis device in compliance with Subsection (1):

1544 (a) there is a rebuttable presumption that the individual possesses the cannabis,

1545 cannabis product, or medical cannabis device legally; and

1546 (b) there is no probable cause, based solely on the individual's possession of the
1547 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
1548 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal
1549 activity.

1550 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical
1551 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

1552 (i) for a first or second offense in a two-year period:

1553 (A) guilty of an infraction; and

1554 (B) is subject to a \$100 fine; or

1555 (ii) for a third or subsequent offense in a two-year period:

1556 (A) guilty of a class C misdemeanor; and

1557 (B) subject to a \$750 fine.

1558 (b) (i) The prosecuting entity shall notify the department and the relevant medical
1559 cannabis pharmacy of each conviction under Subsection (3)(a).

1560 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
1561 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
1562 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
1563 Administrative Rulemaking Act.

1564 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
1565 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1566 underlying the violation described in Subsection (3)(a).

1567 Section 22. Section **4-41a-1201** is enacted to read:

1568 **Part 12. Medical Cannabis Home Delivery and Couriers**

1569 **4-41a-1201. Medical cannabis home delivery designation.**

1570 (1) The department may designate a medical cannabis pharmacy as a home delivery
1571 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
1572 operating plan demonstrates the functional and technical ability to:

1573 (a) safely conduct transactions for medical cannabis shipments;

1574 (b) accept electronic medical cannabis orders that the state central patient portal
1575 facilitates; and

1576 (c) accept payments through:

1577 (i) a payment provider that the Division of Finance approves, in consultation with the
1578 state treasurer, in accordance with Section [26-61a-603](#); or

1579 (ii) a financial institution in accordance with Subsection [26-61a-603\(4\)](#).

1580 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy
1581 shall identify in the applicant's operating plan any information relevant to the department's
1582 evaluation described in Subsection (1), including:

1583 (a) the name and contact information of the payment provider;

1584 (b) the nature of the relationship between the prospective licensee and the payment
1585 provider;

1586 (c) the processes of the following to safely and reliably conduct transactions for
1587 medical cannabis shipments:

1588 (i) the prospective licensee; and

1589 (ii) the electronic payment provider or the financial institution described in Subsection
1590 (1)(c); and

1591 (d) the ability of the licensee to comply with the department's rules regarding the secure
1592 transportation and delivery of medical cannabis or medical cannabis product to a medical
1593 cannabis cardholder.

1594 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
1595 that the department designates as a home delivery medical cannabis pharmacy may deliver
1596 medical cannabis shipments in accordance with this part.

1597 Section 23. Section **4-41a-1202**, which is renumbered from Section 26-61a-604 is
1598 renumbered and amended to read:

1599 **~~[26-61a-604]~~. 4-41a-1202. Home delivery of medical cannabis shipments --**
1600 **Medical cannabis couriers -- License.**

1601 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1602 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1603 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
1604 state central patient portal facilitates, including rules regarding the safe and controlled delivery
1605 of medical cannabis shipments.

1606 (2) A person may not operate as a medical cannabis courier without a license that the

1607 department issues under this section.

1608 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
1609 operate as a medical cannabis courier to an applicant who is eligible for a license under this
1610 section.

1611 (b) An applicant is eligible for a license under this section if the applicant submits to
1612 the department:

1613 (i) the name and address of an individual who:

1614 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1615 pharmacy; or

1616 (B) has the power to direct or cause the management or control of a proposed cannabis
1617 production establishment;

1618 (ii) an operating plan that includes operating procedures to comply with the operating
1619 requirements for a medical cannabis courier described in this chapter; and

1620 (iii) an application fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]
1621 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

1622 (4) If the department determines that an applicant is eligible for a license under this
1623 section, the department shall:

1624 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1625 [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

1626 (b) notify the Department of Public Safety of the license approval and the names of
1627 each individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i).

1628 (5) The department may not issue a license to operate as a medical cannabis courier to
1629 an applicant if an individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i):

1630 (a) has been convicted under state or federal law of:

1631 (i) a felony; or

1632 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1633 (b) is younger than 21 years old.

1634 (6) The department may revoke a license under this part if:

1635 (a) the medical cannabis courier does not begin operations within one year after the day
1636 on which the department issues the initial license;

1637 (b) the medical cannabis courier makes the same violation of this chapter three times;

1638 (c) an individual described in Subsection [~~(3)(b)(ii)~~] (3)(b)(i) is convicted, while the
1639 license is active, under state or federal law of:

1640 (i) a felony; or

1641 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1642 (d) after a change of ownership described in Subsection (15)(c), the department
1643 determines that the medical cannabis courier no longer meets the minimum standards for
1644 licensure and operation of the medical cannabis courier described in this chapter.

1645 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1646 Qualified [~~Patient~~] Production Enterprise Fund.

1647 (8) The department shall begin accepting applications under this section on or before
1648 July 1, 2020.

1649 (9) The department's authority to issue a license under this section is plenary and is not
1650 subject to review.

1651 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
1652 of application, from each individual who has a financial or voting interest of 2% or greater in
1653 the applicant or who has the power to direct or cause the management or control of the
1654 applicant:

1655 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

1656 (b) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
1657 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
1658 Generation Identification System's Rap Back Service; and

1659 (c) consent to a fingerprint background check by:

1660 (i) the Bureau of Criminal Identification; and

1661 (ii) the Federal Bureau of Investigation.

1662 (11) The Bureau of Criminal Identification shall:

1663 (a) check the fingerprints the applicant submits under Subsection (10) against the
1664 applicable state, regional, and national criminal records databases, including the Federal
1665 Bureau of Investigation Next Generation Identification System;

1666 (b) report the results of the background check to the department;

1667 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
1668 for search by future submissions to the local and regional criminal records databases, including

1669 latent prints;

1670 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1671 Generation Identification System's Rap Back Service for search by future submissions to
1672 national criminal records databases, including the Next Generation Identification System and
1673 latent prints; and

1674 (e) establish a privacy risk mitigation strategy to ensure that the department only
1675 receives notifications for an individual with whom the department maintains an authorizing
1676 relationship.

1677 (12) The department shall:

1678 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
1679 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1680 Bureau of Criminal Identification or another authorized agency provides under this section; and

1681 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
1682 Identification.

1683 (13) The department shall renew a license under this section every year if, at the time
1684 of renewal:

1685 (a) the licensee meets the requirements of this section; and

1686 (b) the licensee pays the department a license renewal fee in an amount that, subject to
1687 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1688 (14) A person applying for a medical cannabis courier license shall submit to the
1689 department a proposed operating plan that complies with this section and that includes:

1690 (a) a description of the physical characteristics of any proposed facilities, including a
1691 floor plan and an architectural elevation, and delivery vehicles;

1692 (b) a description of the credentials and experience of each officer, director, or owner of
1693 the proposed medical cannabis courier;

1694 (c) the medical cannabis courier's employee training standards;

1695 (d) a security plan; and

1696 (e) storage and delivery protocols, both short and long term, to ensure that medical
1697 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
1698 integrity of the cannabis.

1699 (15) (a) A medical cannabis courier license is not transferrable or assignable.

1700 (b) A medical cannabis courier shall report in writing to the department no later than
1701 10 business days before the date of any change of ownership of the medical cannabis courier.

1702 (c) If the ownership of a medical cannabis courier changes by 50% or more:

1703 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
1704 courier shall submit a new application described in Subsection (3)(b);

1705 (ii) within 30 days of the submission of the application, the department shall:

1706 (A) conduct an application review; and

1707 (B) award a license to the medical cannabis courier for the remainder of the term of the
1708 medical cannabis courier's license before the ownership change if the medical cannabis courier
1709 meets the minimum standards for licensure and operation of the medical cannabis courier
1710 described in this chapter; and

1711 (iii) if the department approves the license application, notwithstanding Subsection (4),
1712 the medical cannabis courier shall pay a license fee that the department sets in accordance with
1713 Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application
1714 review.

1715 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
1716 the transportation of medical cannabis.

1717 (b) Notwithstanding Subsection (15)(a) and subject to Section ~~[26-61a-116]~~ [4-41a-109](#),
1718 a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier
1719 may advertise:

1720 (i) a green cross;

1721 (ii) the pharmacy's or courier's name and logo; and

1722 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1723 Section 24. Section **4-41a-1203**, which is renumbered from Section 26-61a-605 is
1724 renumbered and amended to read:

1725 ~~[26-61a-605]~~. **4-41a-1203. Medical cannabis shipment transportation.**

1726 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
1727 capable of delivering, directly or through a medical cannabis courier, medical cannabis
1728 shipments in a secure manner.

1729 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed
1730 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical

1731 cannabis orders that the state central patient portal facilitates.

1732 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
1733 Subsection (2)(a), the pharmacy shall:

1734 (i) impose security and personnel requirements on the medical cannabis courier
1735 sufficient to ensure the security and safety of medical cannabis shipments; and

1736 (ii) provide regular oversight of the medical cannabis courier.

1737 (3) ~~[Except for an individual with a valid medical cannabis card who transports a~~
1738 ~~shipment the individual receives, an]~~ Notwithstanding Subsection 4-41a-404(1), an individual
1739 may [not] transport a medical cannabis shipment [unless] if the individual is:

1740 (a) a registered pharmacy medical provider;

1741 (b) a registered medical cannabis pharmacy agent; or

1742 (c) a registered agent of the medical cannabis courier described in Subsection (2).

1743 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
1744 ~~[possess a physical or electronic transportation manifest that:]~~ comply with the requirement of
1745 Subsection 4-41a-404(3).

1746 ~~[(a) includes a unique identifier that links the medical cannabis shipment to a relevant~~
1747 ~~inventory control system;]~~

1748 ~~[(b) includes origin and destination information for the medical cannabis shipment the~~
1749 ~~individual is transporting; and]~~

1750 ~~[(c) indicates the departure and estimated arrival times and locations of the individual~~
1751 ~~transporting the medical cannabis shipment.]~~

1752 (5) In addition to the requirements in Subsections (3) and (4), the department may
1753 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
1754 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1755 requirements for transporting medical cannabis shipments that are related to safety for human
1756 consumption of cannabis or a cannabis product.

1757 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a
1758 manifest that does not meet the requirements of Subsection (4).

1759 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
1760 (6)(a) is:

1761 (i) guilty of an infraction; and

1762 (ii) subject to a \$100 fine.

1763 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
1764 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1765 underlying the violation described in Subsection (6)(b).

1766 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
1767 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
1768 minimis administrative error:

1769 (i) this chapter does not apply; and

1770 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
1771 Substances Act.

1772 Section 25. Section **4-41a-1204**, which is renumbered from Section 26-61a-606 is
1773 renumbered and amended to read:

1774 ~~[26-61a-606]~~. **4-41a-1204. Medical cannabis courier agent -- Background**
1775 **check -- Registration card -- Rebuttable presumption.**

1776 (1) An individual may not serve as a medical cannabis courier agent unless:

1777 (a) the individual is an employee of a licensed medical cannabis courier; and

1778 (b) the department registers the individual as a medical cannabis courier agent.

1779 (2) (a) The department shall, within 15 days after the day on which the department
1780 receives a complete application from a medical cannabis courier on behalf of a medical
1781 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
1782 the prospective agent if the medical cannabis courier:

1783 (i) provides to the department:

1784 (A) the prospective agent's name and address;

1785 (B) the name and address of the medical cannabis courier;

1786 (C) the name and address of each home delivery medical cannabis pharmacy with
1787 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

1788 (D) the submission required under Subsection (2)(b);

1789 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
1790 law of:

1791 (A) a felony; or

1792 (B) after December 3, 2018, a misdemeanor for drug distribution; and

1793 (iii) pays the department a fee in an amount that, subject to Subsection [~~26-61a-109~~(5)]
1794 [4-41a-104](#)(5), the department sets in accordance with Section [63J-1-504](#).

1795 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
1796 card within less than one year after the expiration of the applicant's previous medical cannabis
1797 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

1798 (i) submit to the department:

1799 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1800 (B) a signed waiver in accordance with Subsection [53-10-108](#)(4) acknowledging the
1801 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1802 Generation Identification System's Rap Back Service; and

1803 (ii) consent to a fingerprint background check by:

1804 (A) the Bureau of Criminal Identification; and

1805 (B) the Federal Bureau of Investigation.

1806 (c) The Bureau of Criminal Identification shall:

1807 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
1808 the applicable state, regional, and national criminal records databases, including the Federal
1809 Bureau of Investigation Next Generation Identification System;

1810 (ii) report the results of the background check to the department;

1811 (iii) maintain a separate file of fingerprints that prospective agents submit under
1812 Subsection (2)(b) for search by future submissions to the local and regional criminal records
1813 databases, including latent prints;

1814 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1815 Generation Identification System's Rap Back Service for search by future submissions to
1816 national criminal records databases, including the Next Generation Identification System and
1817 latent prints; and

1818 (v) establish a privacy risk mitigation strategy to ensure that the department only
1819 receives notifications for an individual with whom the department maintains an authorizing
1820 relationship.

1821 (d) The department shall:

1822 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
1823 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the

1824 Bureau of Criminal Identification or another authorized agency provides under this section; and
1825 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
1826 Identification.

1827 (3) The department shall designate on an individual's medical cannabis courier agent
1828 registration card the name of the medical cannabis pharmacy where the individual is registered
1829 as an agent and each home delivery medical cannabis courier for which the medical cannabis
1830 courier delivers medical cannabis shipments.

1831 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
1832 the department develops, in collaboration with the Division of Professional Licensing and the
1833 Board of Pharmacy, or a third-party certification standard that the department designates by
1834 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1835 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1836 (b) The department shall ensure that the certification standard described in Subsection
1837 (4)(a) includes training in:

- 1838 (i) Utah medical cannabis law;
- 1839 (ii) the medical cannabis shipment process; and
- 1840 (iii) medical cannabis courier agent best practices.

1841 (5) (a) A medical cannabis courier agent registration card expires two years after the
1842 day on which the department issues or renews the card.

1843 (b) A medical cannabis courier agent may renew the agent's registration card if the
1844 agent:

- 1845 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 1846 (ii) certifies to the department in a renewal application that the information in
1847 Subsection (2)(a) is accurate or updates the information; and
- 1848 (iii) pays to the department a renewal fee in an amount that:

1849 (A) subject to Subsection [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in
1850 accordance with Section 63J-1-504; and

1851 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1852 comparison to the original application process.

1853 (6) The department may revoke or refuse to issue or renew the medical cannabis
1854 courier agent registration card of an individual who:

- 1855 (a) violates the requirements of this chapter; or
1856 (b) is convicted under state or federal law of:
1857 (i) a felony within the preceding 10 years; or
1858 (ii) after December 3, 2018, a misdemeanor for drug distribution.
1859 (7) A medical cannabis courier agent whom the department has registered under this
1860 section shall carry the agent's medical cannabis courier agent registration card with the agent at
1861 all times when:
1862 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
1863 pharmacy, or a medical cannabis cardholder's home address; and
1864 (b) the agent is handling a medical cannabis shipment.
1865 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
1866 the shipment in compliance with Subsection (7):
1867 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
1868 (b) there is no probable cause, based solely on the agent's possession of the medical
1869 cannabis shipment that the agent is engaging in illegal activity.
1870 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:
1871 (i) guilty of an infraction; and
1872 (ii) subject to a \$100 fine.
1873 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
1874 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1875 underlying the violation described in Subsection (9)(a).
1876 Section 26. Section **4-41a-1205**, which is renumbered from Section 26-61a-607 is
1877 renumbered and amended to read:
1878 ~~[26-61a-607]~~. **4-41a-1205. Home delivery of medical cannabis shipments.**
1879 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
1880 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
1881 medical cannabis pharmacy unless:
1882 (a) the individual receiving the shipment presents:
1883 (i) a valid form of photo identification; and
1884 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
1885 form of photo identification; or

1886 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
1887 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and

1888 (b) the delivery occurs at:

1889 (i) the medical cannabis cardholder's home address that is on file in the state electronic
1890 verification system; or

1891 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
1892 Subsection 26-61a-202(1)(b).

1893 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
1894 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

1895 (a) verify the shipment information using the state electronic verification system;

1896 (b) ensure that the individual satisfies the identification requirements in Subsection (1);

1897 (c) verify that payment is complete; and

1898 (d) record the completion of the shipment transaction in a manner such that the
1899 delivery of the shipment will later be recorded within a reasonable period in the electronic
1900 verification system.

1901 (3) The medical cannabis courier shall:

1902 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
1903 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
1904 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
1905 and

1906 (ii) ensure that only a medical cannabis courier agent is able to access the medical
1907 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

1908 (b) return any undelivered medical cannabis shipment to the home delivery medical
1909 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
1910 possessed the shipment for 10 business days; and

1911 (c) return any medical cannabis shipment to the home delivery medical cannabis
1912 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
1913 accept the shipment.

1914 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
1915 agent returns an undelivered medical cannabis shipment that remains unopened, the home
1916 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

1917 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
1918 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
1919 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
1920 shipment by:

1921 (i) rendering the shipment unusable and unrecognizable before transporting the
1922 shipment from the home delivery medical cannabis pharmacy; and

1923 (ii) disposing of the shipment in accordance with:

1924 (A) federal and state laws, rules, and regulations related to hazardous waste;

1925 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1926 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1927 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1928 3, Utah Administrative Rulemaking Act.

1929 Section 27. Section **4-41a-1206** is enacted to read:

1930 **4-41a-1206. Home delivery medical cannabis pharmacy extension.**

1931 (1) A home delivery medical cannabis pharmacy may enter into an agreement with a
1932 cannabis processing facility for the home delivery medical cannabis pharmacy or a medical
1933 cannabis courier to obtain a medical cannabis product from the cannabis processing facility and
1934 deliver the product to a delivery address.

1935 (2) A home delivery medical cannabis pharmacy that enters into an agreement under
1936 Subsection (1) shall ensure that:

1937 (a) a pharmacy medical provider who is a licensed pharmacist verifies the order is
1938 accurate and consistent with the patient's medical cannabis recommendation, on site, before the
1939 order exits the cannabis processing facility for delivery; and

1940 (b) all record keeping requirements, labeling requirements, and patient counseling
1941 requirements are satisfied in accordance with this chapter and Title 26, Chapter 61a, Utah
1942 Medical Cannabis Act.

1943 (3) An individual who prepares an order at a cannabis processing facility under this
1944 section shall be registered as:

1945 (a) a pharmacy medical provider; or

1946 (b) a medical cannabis pharmacy agent.

1947 (4) A home delivery under this section may not be made unless the department has

1948 been notified of the agreement described in Subsection (1).

1949 Section 28. Section **10-9a-528** is amended to read:

1950 **10-9a-528. Cannabis production establishments, medical cannabis pharmacies,**
1951 **and industrial hemp producer licensee.**

1952 (1) As used in this section:

1953 (a) "Cannabis production establishment" means the same as that term is defined in
1954 Section 4-41a-102.

1955 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is
1956 defined in Section 4-41-102.

1957 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
1958 26-61a-102.

1959 (2) (a) (i) A municipality may not regulate a cannabis production establishment or a
1960 medical cannabis pharmacy in conflict with:

1961 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
1962 applicable jurisprudence; and

1963 (B) this chapter.

1964 [~~(ii) A municipality may not regulate a medical cannabis pharmacy in conflict with:~~]

1965 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~
1966 ~~and]~~

1967 [~~(B) this chapter.~~]

1968 [~~(iii)~~] (ii) A municipality may not regulate an industrial hemp producer licensee in
1969 conflict with:

1970 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

1971 (B) this chapter.

1972 (b) The Department of Agriculture and Food has plenary authority to license programs
1973 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

1974 [~~(c) The Department of Health has plenary authority to license programs or entities that~~
1975 ~~operate a medical cannabis pharmacy.~~]

1976 (3) (a) Within the time period described in Subsection (3)(b), a municipality shall
1977 prepare and adopt a land use regulation, development agreement, or land use decision in
1978 accordance with this title and:

- 1979 (i) regarding a cannabis production establishment, Section 4-41a-406; or
- 1980 (ii) regarding a medical cannabis pharmacy, Section ~~[26-61a-507]~~ 4-41a-110.
- 1981 (b) A municipality shall take the action described in Subsection (3)(a):
- 1982 (i) before January 1, 2021, within 45 days after the day on which the municipality
- 1983 receives a petition for the action; and
- 1984 (ii) after January 1, 2021, in accordance with Subsection 10-9a-509.5(2).

1985 Section 29. Section 17-27a-525 is amended to read:

1986 **17-27a-525. Cannabis production establishments and medical cannabis**
1987 **pharmacies.**

1988 (1) As used in this section:

1989 (a) "Cannabis production establishment" means the same as that term is defined in
1990 Section 4-41a-102.

1991 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is
1992 defined in Section 4-41-102.

1993 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
1994 26-61a-102.

1995 (2) (a) (i) A county may not regulate a cannabis production establishment or a medical
1996 cannabis pharmacy in conflict with:

1997 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
1998 applicable jurisprudence; and

1999 (B) this chapter.

2000 [~~(ii) A county may not regulate a medical cannabis pharmacy in conflict with:~~]

2001 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~
2002 ~~and]~~

2003 [~~(B) this chapter.~~]

2004 [(~~iii~~) (ii) A county may not regulate an industrial hemp producer licensee in conflict
2005 with:

2006 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

2007 (B) this chapter.

2008 (b) The Department of Agriculture and Food has plenary authority to license programs
2009 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

2010 [~~(c) The Department of Health has plenary authority to license programs or entities that~~
2011 ~~operate a medical cannabis pharmacy.~~]

2012 (3) (a) Within the time period described in Subsection (3)(b), a county shall prepare
2013 and adopt a land use regulation, development agreement, or land use decision in accordance
2014 with this title and:

2015 (i) regarding a cannabis production establishment, Section [4-41a-406](#); or

2016 (ii) regarding a medical cannabis pharmacy, Section [~~26-61a-507~~] [4-41a-110](#).

2017 (b) A county shall take the action described in Subsection (3)(a):

2018 (i) before January 1, 2021, within 45 days after the day on which the county receives a
2019 petition for the action; and

2020 (ii) after January 1, 2021, in accordance with Subsection [17-27a-509.5\(2\)](#).

2021 Section 30. Section ~~26-61-202~~ is amended to read:

2022 **~~26-61-202. Duties.~~**

2023 (1) The board shall review any available scientific research related to the human use of
2024 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

2025 (a) was conducted under a study approved by an IRB;

2026 (b) was conducted or approved by the federal government; or

2027 (c) (i) was conducted in another country; and

2028 (ii) demonstrates, as determined by the board, a sufficient level of scientific reliability
2029 and significance to merit the board's review.

2030 (2) Based on the research described in Subsection (1), the board shall evaluate the
2031 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,
2032 including:

2033 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded
2034 cannabinoid products;

2035 (b) cannabis and cannabinoid dosage amounts and medical dosage forms;

2036 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products
2037 with other treatments; and

2038 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,
2039 cannabinoid products, and expanded cannabinoid products.

2040 (3) Based on the board's evaluation under Subsection (2), the board shall develop

2041 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid
2042 product that include:

2043 (a) a list of medical conditions, if any, that the board determines are appropriate for
2044 treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded
2045 cannabinoid product;

2046 (b) a list of contraindications, side effects, and adverse reactions that are associated
2047 with use of cannabis, cannabinoid products, or expanded cannabinoid products;

2048 (c) a list of potential drug-drug interactions between medications that the United States
2049 Food and Drug Administration has approved and cannabis, cannabinoid products, and
2050 expanded cannabinoid products; and

2051 (d) any other guideline the board determines appropriate.

2052 (4) Based on the board's evaluation under Subsection (2), the board may provide
2053 recommendations to the Medical Cannabis Policy Advisory Board created in Section
2054 26-61a-801 regarding restrictions for a substance found in a medical cannabis product that:

2055 (a) is likely harmful to human health; or

2056 (b) is associated with a substance that is likely harmful to human health.

2057 [~~4~~] (5) The board shall submit the guidelines described in Subsection (3) to the
2058 director of the Division of Professional Licensing.

2059 [~~5~~] (6) Guidelines that the board develops under this section may not limit the
2060 availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted
2061 under Title 4, Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah
2062 Medical Cannabis Act.

2063 Section 31. Section **26-61a-102** is amended to read:

2064 **26-61a-102. Definitions.**

2065 As used in this chapter:

2066 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
2067 tetrahydrocannabinolic acid.

2068 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
2069 Section 26-61a-117.

2070 [~~2~~] (3) "Cannabis Research Review Board" means the Cannabis Research Review
2071 Board created in Section 26-61-201.

2072 [~~3~~] (4) "Cannabis" means marijuana.

2073 [~~4~~] (5) "Cannabis cultivation facility" means the same as that term is defined in

2074 Section [4-41a-102](#).

2075 [~~5~~] (6) "Cannabis processing facility" means the same as that term is defined in

2076 Section [4-41a-102](#).

2077 [~~6~~] (7) "Cannabis product" means a product that:

2078 (a) is intended for human use; and

2079 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total

2080 concentration of 0.3% or greater on a dry weight basis.

2081 [~~7~~] (8) "Cannabis production establishment" means the same as that term is defined

2082 in Section [4-41a-102](#).

2083 [~~8~~] (9) "Cannabis production establishment agent" means the same as that term is

2084 defined in Section [4-41a-102](#).

2085 [~~9~~] (10) "Cannabis production establishment agent registration card" means the same

2086 as that term is defined in Section [4-41a-102](#).

2087 [~~10~~] (11) "Community location" means a public or private elementary or secondary

2088 school, a church, a public library, a public playground, or a public park.

2089 [~~11~~] (12) "Conditional medical cannabis card" means an electronic medical cannabis

2090 card that the department issues in accordance with Subsection [26-61a-201](#)(1)(b) to allow an

2091 applicant for a medical cannabis card to access medical cannabis during the department's

2092 review of the application.

2093 [~~12~~] (13) "Controlled substance database" means the controlled substance database

2094 created in Section [58-37f-201](#).

2095 [~~13~~] (14) "Department" means the Department of Health and Human Services.

2096 [~~14~~] (15) "Designated caregiver" means:

2097 (a) an individual:

2098 (i) whom an individual with a medical cannabis patient card or a medical cannabis

2099 guardian card designates as the patient's caregiver; and

2100 (ii) who registers with the department under Section [26-61a-202](#); or

2101 (b) (i) a facility that an individual designates as a designated caregiver in accordance

2102 with Subsection [26-61a-202](#)(1)(b); or

2103 (ii) an assigned employee of the facility described in Subsection [26-61a-202\(1\)\(b\)\(ii\)](#).

2104 [~~(15)~~] (16) "Directions of use" means recommended routes of administration for a
2105 medical cannabis treatment and suggested usage guidelines.

2106 [~~(16)~~] (17) "Dosing guidelines" means a quantity range and frequency of administration
2107 for a recommended treatment of medical cannabis.

2108 [~~(17)~~] (18) "Financial institution" means a bank, trust company, savings institution, or
2109 credit union, chartered and supervised under state or federal law.

2110 [~~(18)~~] (19) "Home delivery medical cannabis pharmacy" means a medical cannabis
2111 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
2112 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders
2113 that the state central patient portal facilitates.

2114 [~~(19)~~] (20) "Inventory control system" means the system described in Section
2115 [4-41a-103](#).

2116 [~~(20)~~] (21) "Legal dosage limit" means an amount that:

2117 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
2118 relevant recommending medical provider or the state central patient portal or pharmacy
2119 medical provider, in accordance with Subsection [~~26-61a-502(4)~~] [26-61a-404\(5\)](#) or [~~(5)~~] (6),
2120 recommends; and

2121 (b) may not exceed:

2122 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

2123 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
2124 greater than 20 grams of active tetrahydrocannabinol.

2125 [~~(21)~~] (22) "Legal use termination date" means a date on the label of a container of
2126 unprocessed cannabis flower:

2127 (a) that is 60 days after the date of purchase of the cannabis; and

2128 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
2129 primary residence of the relevant medical cannabis patient cardholder.

2130 [~~(22)~~] (23) "Limited medical provider" means an individual who:

2131 (a) meets the recommending qualifications; and

2132 (b) has no more than 15 patients with a valid medical cannabis patient card or
2133 provisional patient card as a result of the individual's recommendation, in accordance with

2134 Subsection [26-61a-106](#)(1)(b).

2135 ~~[(23)]~~ (24) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

2136 ~~[(24)]~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a
2137 cannabis product in a medicinal dosage form.

2138 ~~[(25)]~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical
2139 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
2140 card.

2141 ~~[(26)]~~ (27) "Medical cannabis cardholder" means:

2142 (a) a holder of a medical cannabis card; or

2143 (b) a facility or assigned employee, described in Subsection~~[(14)(b);~~ (15)(b), only:

2144 (i) within the scope of the facility's or assigned employee's performance of the role of a
2145 medical cannabis patient cardholder's caregiver designation under Subsection

2146 [26-61a-202](#)(1)(b); and

2147 (ii) while in possession of documentation that establishes:

2148 (A) a caregiver designation described in Subsection [26-61a-202](#)(1)(b);

2149 (B) the identity of the individual presenting the documentation; and

2150 (C) the relation of the individual presenting the documentation to the caregiver
2151 designation.

2152 ~~[(27)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a
2153 cardholder may print or store on an electronic device or a physical card or document that:

2154 (a) the department issues to an individual whom a medical cannabis patient cardholder
2155 or a medical cannabis guardian cardholder designates as a designated caregiver; and

2156 (b) is connected to the electronic verification system.

2157 ~~[(28)]~~ (29) "Medical cannabis courier" means ~~[a courier that:]~~ the same as that term is
2158 defined in Section [4-41a-102](#).

2159 ~~[(a) the department licenses in accordance with Section [26-61a-604](#); and]~~

2160 ~~[(b) contracts with a home delivery medical cannabis pharmacy to deliver medical~~
2161 ~~cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.]~~

2162 ~~[(29)]~~ (30) "Medical cannabis courier agent" means ~~[an individual who:]~~ the same as
2163 that term is defined in Section [4-41a-102](#).

2164 ~~[(a) is an employee of a medical cannabis courier; and]~~

2165 ~~[(b) who holds a valid medical cannabis courier agent registration card.]~~

2166 ~~[(30)]~~ (31) (a) "Medical cannabis device" means a device that an individual uses to
2167 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
2168 dosage form.

2169 (b) "Medical cannabis device" does not include a device that:

2170 (i) facilitates cannabis combustion; or

2171 (ii) an individual uses to ingest substances other than cannabis.

2172 ~~[(31)]~~ (32) "Medical cannabis guardian card" means an electronic document that a
2173 cardholder may print or store on an electronic device or a physical card or document that:

2174 (a) the department issues to the parent or legal guardian of a minor with a qualifying
2175 condition; and

2176 (b) is connected to the electronic verification system.

2177 ~~[(32)]~~ (33) "Medical cannabis patient card" means an electronic document that a
2178 cardholder may print or store on an electronic device or a physical card or document that:

2179 (a) the department issues to an individual with a qualifying condition; and

2180 (b) is connected to the electronic verification system.

2181 ~~[(33)]~~ (34) "Medical cannabis pharmacy" means a person that:

2182 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
2183 medicinal dosage form from a cannabis processing facility or another medical cannabis
2184 pharmacy or a medical cannabis device; or

2185 (ii) possesses medical cannabis or a medical cannabis device; and

2186 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
2187 cannabis cardholder.

2188 ~~[(34)]~~ (35) "Medical cannabis pharmacy agent" means an individual who:

2189 (a) is an employee of a medical cannabis pharmacy; and

2190 (b) who holds a valid medical cannabis pharmacy agent registration card.

2191 ~~[(35)]~~ (36) "Medical cannabis pharmacy agent registration card" means a registration
2192 card issued by the department that authorizes an individual to act as a medical cannabis
2193 pharmacy agent.

2194 ~~[(36)]~~ (37) "Medical cannabis shipment" means ~~[a shipment of medical cannabis or a~~
2195 ~~medical cannabis product that a home-delivery medical cannabis pharmacy or a medical~~

2196 ~~cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an~~
2197 ~~electronic medical cannabis order that the state central patient portal facilitates]~~ the same as
2198 that term is defined in Section [4-41a-102](#).

2199 ~~[(37)]~~ (38) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
2200 cannabis product in a medicinal dosage form, or a medical cannabis device.

2201 ~~[(38)]~~ (39) (a) "Medicinal dosage form" means:

2202 (i) for processed medical cannabis or a medical cannabis product, the following with a
2203 specific and consistent cannabinoid content:

2204 (A) a tablet;

2205 (B) a capsule;

2206 (C) a concentrated liquid or viscous oil;

2207 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

2208 (E) a topical preparation;

2209 (F) a transdermal preparation;

2210 (G) a sublingual preparation;

2211 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

2212 rectangular cuboid shape;

2213 (I) a resin or wax; or

2214 (J) an aerosol; or

2215 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:

2216 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
2217 stated weight at the time of packaging;

2218 (B) at any time the medical cannabis cardholder transports or possesses the container in
2219 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;

2220 and

2221 (C) is labeled with the container's content and weight, the date of purchase, the legal
2222 use termination date, and after December 31, 2020, a barcode that provides information
2223 connected to an inventory control system~~;~~ ~~and~~].

2224 ~~[(iii) a form measured in grams, milligrams, or milliliters.]~~

2225 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

2226 (i) the medical cannabis cardholder has recently removed from the container described

2227 in Subsection ~~[(38)]~~ (39)(a)(ii) for use; and

2228 (ii) does not exceed the quantity described in Subsection ~~[(38)]~~ (39)(a)(ii).

2229 (c) "Medicinal dosage form" does not include:

2230 (i) any unprocessed cannabis flower outside of the container described in Subsection

2231 ~~[(38)]~~ (39)(a)(ii), except as provided in Subsection ~~[(38)(b);]~~ (39)(b);

2232 (ii) ~~[any]~~ unprocessed cannabis flower in a container described in Subsection ~~[(38)]~~

2233 (39)(a)(ii) after the legal use termination date;

2234 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis

2235 on a nail or other metal object that is heated by a flame, including a blowtorch; ~~[or]~~

2236 (iv) a liquid suspension that is branded as a beverage~~[-];~~ or

2237 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not

2238 measured in grams, milligrams, or milliliters.

2239 ~~[(39)]~~ (40) "Nonresident patient" means an individual who:

2240 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

2241 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis

2242 card under the laws of another state, district, territory, commonwealth, or insular possession of

2243 the United States; and

2244 (c) has been diagnosed with a qualifying condition as described in Section [26-61a-104](#).

2245 ~~[(40)]~~ (41) "Payment provider" means an entity that contracts with a cannabis

2246 production establishment or medical cannabis pharmacy to facilitate transfers of funds between

2247 the establishment or pharmacy and other businesses or individuals.

2248 ~~[(41)]~~ (42) "Pharmacy medical provider" means the medical provider required to be on

2249 site at a medical cannabis pharmacy under Section [26-61a-403](#).

2250 ~~[(42)]~~ (43) "Provisional patient card" means a card that:

2251 (a) the department issues to a minor with a qualifying condition for whom:

2252 (i) a recommending medical provider has recommended a medical cannabis treatment;

2253 and

2254 (ii) the department issues a medical cannabis guardian card to the minor's parent or

2255 legal guardian; and

2256 (b) is connected to the electronic verification system.

2257 ~~[(43)]~~ (44) "Qualified medical provider" means an individual:

2258 (a) who meets the recommending qualifications; and
2259 (b) whom the department registers to recommend treatment with cannabis in a
2260 medicinal dosage form under Section [26-61a-106](#).
2261 [~~(44)~~] [\(45\)](#) "Qualified Patient Enterprise Fund" means the enterprise fund created in
2262 Section [26-61a-109](#).
2263 [~~(45)~~] [\(46\)](#) "Qualifying condition" means a condition described in Section [26-61a-104](#).
2264 [~~(46)~~] [\(47\)](#) "Recommend" or "recommendation" means, for a recommending medical
2265 provider, the act of suggesting the use of medical cannabis treatment, which:
2266 (a) certifies the patient's eligibility for a medical cannabis card; and
2267 (b) may include, at the recommending medical provider's discretion, directions of use,
2268 with or without dosing guidelines.
2269 [~~(47)~~] [\(48\)](#) "Recommending medical provider" means a qualified medical provider or a
2270 limited medical provider.
2271 [~~(48)~~] [\(49\)](#) "Recommending qualifications" means that an individual:
2272 (a) (i) has the authority to write a prescription;
2273 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2274 Controlled Substances Act; and
2275 (iii) possesses the authority, in accordance with the individual's scope of practice, to
2276 prescribe a Schedule II controlled substance; and
2277 (b) is licensed as:
2278 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
2279 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
2280 Act;
2281 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
2282 Chapter 68, Utah Osteopathic Medical Practice Act; or
2283 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
2284 [~~(49)~~] [\(50\)](#) "State central patient portal" means the website the department creates, in
2285 accordance with Section [26-61a-601](#), to facilitate patient safety, education, and an electronic
2286 medical cannabis order.
2287 [~~(50)~~] [\(51\)](#) "State central patient portal medical provider" means a physician or
2288 pharmacist that the department employs in relation to the state central patient portal to consult

2289 with medical cannabis cardholders in accordance with Section 26-61a-602.

2290 [~~(51)~~] (52) "State electronic verification system" means the system described in Section
2291 26-61a-103.

2292 [~~(52)~~] (53) "Tetrahydrocannabinol" or "THC" means a substance derived from
2293 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

2294 [~~(53)~~] (54) "THC analog" means the same as that term is defined in Section 4-41-102.

2295 [~~(54)~~] (55) "Valid form of photo identification" means any of the following forms of
2296 identification that is either current or has expired within the previous six months:

2297 (a) a valid state-issued driver license or identification card;

2298 (b) a valid United States federal-issued photo identification, including:

2299 (i) a United States passport;

2300 (ii) a United States passport card;

2301 (iii) a United States military identification card; or

2302 (iv) a permanent resident card or alien registration receipt card; or

2303 (c) a passport that another country issued.

2304 Section 32. Section 26-61a-103 is amended to read:

2305 **26-61a-103. Electronic verification system.**

2306 (1) The Department of Agriculture and Food, the department, the Department of Public
2307 Safety, and the Division of Technology Services shall:

2308 (a) enter into a memorandum of understanding in order to determine the function and
2309 operation of the state electronic verification system in accordance with Subsection (2);

2310 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
2311 Procurement Code, to develop a request for proposals for a third-party provider to develop and
2312 maintain the state electronic verification system in coordination with the Division of
2313 Technology Services; and

2314 (c) select a third-party provider who:

2315 (i) meets the requirements contained in the request for proposals issued under
2316 Subsection (1)(b); and

2317 (ii) may not have any commercial or ownership interest in a cannabis production
2318 establishment or a medical cannabis pharmacy.

2319 (2) The Department of Agriculture and Food, the department, the Department of Public

2320 Safety, and the Division of Technology Services shall ensure that~~[, on or before March 1,~~
2321 ~~2020,]~~ the state electronic verification system described in Subsection (1):

2322 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
2323 medical cannabis guardian card, provided that the card may not become active until:

2324 (i) the relevant qualified medical provider completes the associated medical cannabis
2325 recommendation; or

2326 (ii) for a medical cannabis card related to a limited medical provider's
2327 recommendation, the medical cannabis pharmacy completes the recording described in
2328 Subsection (2)(d);

2329 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
2330 cannabis guardian card in accordance with Section [26-61a-201](#);

2331 (c) allows a qualified medical provider, or an employee described in Subsection (3)
2332 acting on behalf of the qualified medical provider, to:

2333 (i) access dispensing and card status information regarding a patient:

2334 (A) with whom the qualified medical provider has a provider-patient relationship; and

2335 (B) for whom the qualified medical provider has recommended or is considering
2336 recommending a medical cannabis card;

2337 (ii) electronically recommend, after an initial face-to-face visit with a patient described
2338 in Subsection [26-61a-201](#)(4)(a)(iii), treatment with cannabis in a medicinal dosage form or a
2339 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and

2340 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
2341 medical cannabis guardian cardholder:

2342 (A) using telehealth services, for the qualified medical provider who originally
2343 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

2344 (B) during a face-to-face visit with the patient, for a qualified medical provider who
2345 did not originally recommend the medical cannabis treatment during a face-to-face visit~~[-]~~

2346 (d) ~~[beginning on the earlier of September 1, 2021, or the date on which the electronic
2347 verification system is functionally capable of facility medical cannabis pharmacy recording,]~~

2348 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
2349 accordance with Subsection ~~[[26-61a-501](#)(10)(a),]~~ [4-41a-1101](#)(10)(a), to:

2350 (i) access the electronic verification system to review the history within the system of a

2351 patient with whom the provider or agent is interacting, limited to read-only access for medical
2352 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
2353 authorizes add and edit access;

2354 (ii) record a patient's recommendation from a limited medical provider, including any
2355 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
2356 and

2357 (iii) record a limited medical provider's renewal of the provider's previous
2358 recommendation;

2359 (e) connects with:

2360 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
2361 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
2362 medicinal dosage form, or a medical cannabis device, including:

2363 (A) the time and date of each purchase;

2364 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
2365 purchased;

2366 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
2367 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
2368 device; and

2369 (D) the personally identifiable information of the medical cannabis cardholder who
2370 made the purchase; and

2371 (ii) any commercially available inventory control system that a cannabis production
2372 establishment utilizes in accordance with Section [4-41a-103](#) to use data that the Department of
2373 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
2374 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
2375 track and confirm compliance;

2376 (f) provides access to:

2377 (i) the department to the extent necessary to carry out the department's functions and
2378 responsibilities under this chapter;

2379 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
2380 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
2381 41a, Cannabis Production Establishments; and

- 2382 (iii) the Division of Professional Licensing to the extent necessary to carry out the
2383 functions and responsibilities related to the participation of the following in the
2384 recommendation and dispensing of medical cannabis:
- 2385 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
 - 2386 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - 2387 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2388 Practice Act;
 - 2389 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2390 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - 2391 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
2392 Act;
- 2393 (g) provides access to and interaction with the state central patient portal;
 - 2394 (h) communicates dispensing information from a record that a medical cannabis
2395 pharmacy submits to the state electronic verification system under Subsection
2396 ~~[26-61a-502(6)(a)(ii)]~~ [4-41a-1102\(3\)\(a\)\(ii\)](#) to the controlled substance database;
 - 2397 (i) provides access to state or local law enforcement:
 - 2398 (i) during a law enforcement encounter, without a warrant, using the individual's driver
2399 license or state ID, only for the purpose of determining if the individual subject to the law
2400 enforcement encounter has a valid medical cannabis card; or
 - 2401 (ii) after obtaining a warrant; and
 - 2402 (j) creates a record each time a person accesses the system that identifies the person
2403 who accesses the system and the individual whose records the person accesses.
 - 2404 (3) (a) ~~[Beginning on the earlier of September 1, 2021, or the date on which the
2405 electronic verification system is functionally capable of allowing employee access under this
2406 Subsection (3), an] An~~ employee of a qualified medical provider may access the electronic
2407 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
2408 medical provider if:
 - 2409 (i) the qualified medical provider has designated the employee as an individual
2410 authorized to access the electronic verification system on behalf of the qualified medical
2411 provider;
 - 2412 (ii) the qualified medical provider provides written notice to the department of the

2413 employee's identity and the designation described in Subsection (3)(a)(i); and
2414 (iii) the department grants to the employee access to the electronic verification system.
2415 (b) An employee of a business that employs a qualified medical provider may access
2416 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
2417 qualified medical provider if:
2418 (i) the qualified medical provider has designated the employee as an individual
2419 authorized to access the electronic verification system on behalf of the qualified medical
2420 provider;
2421 (ii) the qualified medical provider and the employing business jointly provide written
2422 notice to the department of the employee's identity and the designation described in Subsection
2423 (3)(b)(i); and
2424 (iii) the department grants to the employee access to the electronic verification system.
2425 (4) (a) As used in this Subsection (4), "prescribing provider" means:
2426 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
2427 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2428 Practice Act;
2429 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2430 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
2431 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2432 Assistant Act.
2433 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
2434 verification system is functionally capable of allowing provider access under this Subsection
2435 (4), a prescribing provider may access information in the electronic verification system
2436 regarding a patient the prescribing provider treats.
2437 (5) The department may release limited data that the system collects for the purpose of:
2438 (a) conducting medical and other department approved research;
2439 (b) providing the report required by Section [26-61a-703](#); and
2440 (c) other official department purposes.
2441 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2442 Administrative Rulemaking Act, to establish:
2443 (a) the limitations on access to the data in the state electronic verification system as

2444 described in this section; and

2445 (b) standards and procedures to ensure accurate identification of an individual
2446 requesting information or receiving information in this section.

2447 (7) (a) Any person who knowingly and intentionally releases any information in the
2448 state electronic verification system in violation of this section is guilty of a third degree felony.

2449 (b) Any person who negligently or recklessly releases any information in the state
2450 electronic verification system in violation of this section is guilty of a class C misdemeanor.

2451 (8) (a) Any person who obtains or attempts to obtain information from the state
2452 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

2453 (b) Any person who obtains or attempts to obtain information from the state electronic
2454 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
2455 degree felony.

2456 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
2457 intentionally use, release, publish, or otherwise make available to any other person information
2458 obtained from the state electronic verification system for any purpose other than a purpose
2459 specified in this section.

2460 (b) Each separate violation of this Subsection (9) is:

2461 (i) a third degree felony; and

2462 (ii) subject to a civil penalty not to exceed \$5,000.

2463 (c) The department shall determine a civil violation of this Subsection (9) in
2464 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2465 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
2466 General Fund.

2467 (e) This Subsection (9) does not prohibit a person who obtains information from the
2468 state electronic verification system under Subsection (2)(a), (c), or (f) from:

2469 (i) including the information in the person's medical chart or file for access by a person
2470 authorized to review the medical chart or file;

2471 (ii) providing the information to a person in accordance with the requirements of the
2472 Health Insurance Portability and Accountability Act of 1996; or

2473 (iii) discussing or sharing that information about the patient with the patient.

2474 Section 33. Section **26-61a-105** is amended to read:

2475 **26-61a-105. Compassionate Use Board.**

2476 (1) (a) The department shall establish a Compassionate Use Board consisting of:

2477 (i) seven qualified medical providers that the executive director appoints and the
2478 Senate confirms:

2479 (A) who are knowledgeable about the medicinal use of cannabis;

2480 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
2481 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2482 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine
2483 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,
2484 pediatrics, or gastroenterology; and

2485 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
2486 executive director or the director's designee.

2487 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
2488 the executive director shall ensure that at least two have a board certification in pediatrics.

2489 (2) (a) Of the members of the Compassionate Use Board that the executive director
2490 first appoints:

2491 (i) three shall serve an initial term of two years; and

2492 (ii) the remaining members shall serve an initial term of four years.

2493 (b) After an initial term described in Subsection (2)(a) expires:

2494 (i) each term is four years; and

2495 (ii) each board member is eligible for reappointment.

2496 (c) A member of the Compassionate Use Board may serve until a successor is
2497 appointed.

2498 (3) Four members constitute a quorum of the Compassionate Use Board.

2499 (4) A member of the Compassionate Use Board may receive:

2500 (a) notwithstanding Section [63A-3-106](#), compensation or benefits for the member's
2501 service; and

2502 (b) travel expenses in accordance with Section [63A-3-107](#) and rules made by the
2503 Division of Finance in accordance with Section [63A-3-107](#).

2504 (5) The Compassionate Use Board shall:

2505 (a) review and recommend for department approval a petition to the board regarding an

2506 individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection
2507 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
2508 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
2509 period of validity, if:

2510 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
2511 the individual's qualified medical provider is actively treating the individual for an intractable
2512 condition that:

2513 (A) substantially impairs the individual's quality of life; and

2514 (B) has not, in the qualified medical provider's professional opinion, adequately
2515 responded to conventional treatments;

2516 (ii) the qualified medical provider:

2517 (A) recommends that the individual or minor be allowed to use medical cannabis; and

2518 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
2519 describing relevant treatment history including rationale for considering the use of medical
2520 cannabis; and

2521 (iii) the Compassionate Use Board determines that:

2522 (A) the recommendation of the individual's qualified medical provider is justified; and

2523 (B) based on available information, it may be in the best interests of the individual to
2524 allow the use of medical cannabis;

2525 (b) review and approve or deny the use of a medical cannabis device for an individual
2526 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection
2527 26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the
2528 individual or minor be allowed to use a medical cannabis device to vaporize the medical
2529 cannabis treatment;

2530 (c) unless no petitions are pending:

2531 (i) meet to receive or review compassionate use petitions at least quarterly; and

2532 (ii) if there are more petitions than the board can receive or review during the board's
2533 regular schedule, as often as necessary;

2534 (d) except as provided in Subsection (6), complete a review of each petition and
2535 recommend to the department approval or denial of the applicant for qualification for a medical
2536 cannabis card within 90 days after the day on which the board received the petition;

2537 (e) consult with the department regarding the criteria described in Subsection (6); and

2538 (f) report, before November 1 of each year, to the Health and Human Services Interim

2539 Committee:

2540 (i) the number of compassionate use recommendations the board issued during the past

2541 year; and

2542 (ii) the types of conditions for which the board recommended compassionate use.

2543 (6) The department shall make rules, in consultation with the Compassionate Use

2544 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to

2545 establish a process and criteria for a petition to the board to automatically qualify for expedited

2546 final review and approval or denial by the department in cases where, in the determination of

2547 the department and the board:

2548 (a) time is of the essence;

2549 (b) engaging the full review process would be unreasonable in light of the petitioner's

2550 physical condition; and

2551 (c) sufficient factors are present regarding the petitioner's safety.

2552 (7) (a) (i) The department shall review:

2553 (A) any compassionate use for which the Compassionate Use Board recommends

2554 approval under Subsection (5)(d) to determine whether the board properly exercised the board's

2555 discretion under this section; and

2556 (B) any expedited petitions the department receives under the process described in

2557 Subsection (6).

2558 (ii) If the department determines that the Compassionate Use Board properly exercised

2559 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited

2560 petition merits approval based on the criteria established in accordance with Subsection (6), the

2561 department shall:

2562 (A) issue the relevant medical cannabis card; and

2563 (B) provide for the renewal of the medical cannabis card in accordance with the

2564 recommendation of the qualified medical provider described in Subsection (5)(a).

2565 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),

2566 the individual seeking to obtain a medical cannabis card may petition the department to review

2567 the board's decision.

2568 (ii) If the department determines that the Compassionate Use Board's recommendation
2569 for denial under Subsection (5)(d) was arbitrary or capricious:

2570 (A) the department shall notify the Compassionate Use Board of the department's
2571 determination; and

2572 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend
2573 approval under this section.

2574 (c) In reviewing the Compassionate Use Board's recommendation for approval or
2575 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
2576 presume the board properly exercised the board's discretion unless the department determines
2577 that the board's recommendation was arbitrary or capricious.

2578 (8) Any individually identifiable health information contained in a petition that the
2579 Compassionate Use Board or department receives under this section is a protected record in
2580 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

2581 (9) The Compassionate Use Board shall annually report the board's activity to the
2582 Cannabis Research Review Board and the advisory board.

2583 Section 34. Section **26-61a-106** is amended to read:

2584 **26-61a-106. Qualified medical provider registration -- Continuing education --**
2585 **Treatment recommendation -- Limited medical provider.**

2586 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
2587 medical cannabis treatment unless the department registers the individual as a qualified
2588 medical provider in accordance with this section.

2589 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
2590 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
2591 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
2592 term is defined in Section [58-5a-102](#).

2593 (b) Beginning on the earlier of September 1, 2021, or the date on which the department
2594 gives notice that the electronic verification system is functionally capable as described in
2595 Subsection [26-61a-103](#)(2)(d), an individual who meets the recommending qualifications may
2596 recommend a medical cannabis treatment as a limited medical provider without registering
2597 under Subsection (1)(a) if:

2598 (i) the individual recommends the use of medical cannabis to the patient through an

2599 order described in Subsection (1)(c) after:

2600 (A) a face-to-face visit for an initial recommendation or the renewal of a
2601 recommendation for a patient for whom the limited medical provider did not make the patient's
2602 original recommendation; or

2603 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
2604 whom the limited medical provider made the patient's original recommendation; and

2605 (ii) the individual's recommendation or renewal would not cause the total number of
2606 the individual's patients who have a valid medical cannabis patient card or provisional patient
2607 card resulting from the individual's recommendation to exceed 15.

2608 (c) The individual described in Subsection (1)(b) shall communicate the individual's
2609 recommendation through an order for the medical cannabis pharmacy to record the individual's
2610 recommendation or renewal in the state electronic verification system under the individual's
2611 recommendation that:

2612 (i) (A) that the individual or the individual's employee sends electronically to a medical
2613 cannabis pharmacy; or

2614 (B) that the individual gives to the patient in writing for the patient to deliver to a
2615 medical cannabis pharmacy; and

2616 (ii) may include:

2617 (A) directions of use or dosing guidelines; and

2618 (B) an indication of a need for a caregiver in accordance with Subsection

2619 [26-61a-201\(3\)\(c\)](#).

2620 (d) If the limited medical provider gives the patient a written recommendation to
2621 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
2622 provider shall ensure that the document includes all of the information that is included on a
2623 prescription the provider would issue for a controlled substance, including:

2624 (i) the date of issuance;

2625 (ii) the provider's name, address and contact information, controlled substance license
2626 information, and signature; and

2627 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
2628 condition.

2629 (e) In considering making a recommendation as a limited medical provider, an

2630 individual may consult information that the department makes available on the department's
2631 website for recommending providers.

2632 (2) (a) The department shall, within 15 days after the day on which the department
2633 receives an application from an individual, register and issue a qualified medical provider
2634 registration card to the individual if the individual:

2635 (i) provides to the department the individual's name and address;

2636 (ii) provides to the department a report detailing the individual's completion of the
2637 applicable continuing education requirement described in Subsection (3);

2638 (iii) provides to the department evidence that the individual meets the recommending
2639 qualifications;

2640 (iv) for an applicant on or after November 1, 2021, provides to the department the
2641 information described in Subsection (10)(a); and

2642 (v) pays the department a fee in an amount that:

2643 (A) the department sets, in accordance with Section [63J-1-504](#); and

2644 (B) does not exceed \$300 for an initial registration.

2645 (b) The department may not register an individual as a qualified medical provider if the
2646 individual is:

2647 (i) a pharmacy medical provider; or

2648 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
2649 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

2650 (3) (a) An individual shall complete the continuing education described in this
2651 Subsection (3) in the following amounts:

2652 (i) for an individual as a condition precedent to registration, four hours; and

2653 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
2654 every two years.

2655 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

2656 (i) complete continuing education:

2657 (A) regarding the topics described in Subsection (3)(d); and

2658 (B) offered by the department under Subsection (3)(c) or an accredited or approved
2659 continuing education provider that the department recognizes as offering continuing education
2660 appropriate for the recommendation of cannabis to patients; and

2661 (ii) make a continuing education report to the department in accordance with a process
2662 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
2663 Administrative Rulemaking Act, and in collaboration with the Division of Professional
2664 Licensing and:

2665 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
2666 Act, the Podiatric Physician Board;

2667 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
2668 Nurse Practice Act, the Board of Nursing;

2669 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
2670 Practice Act, the Physicians Licensing Board;

2671 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
2672 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
2673 and

2674 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2675 Assistant Act, the Physician Assistant Licensing Board.

2676 (c) The department may, in consultation with the Division of Professional Licensing,
2677 develop the continuing education described in this Subsection (3).

2678 (d) The continuing education described in this Subsection (3) may discuss:

2679 (i) the provisions of this chapter;

2680 (ii) general information about medical cannabis under federal and state law;

2681 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2682 including risks and benefits;

2683 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2684 patient in pain management, risk management, potential addiction, or palliative care; and

2685 (v) best practices for recommending the form and dosage of medical cannabis products
2686 based on the qualifying condition underlying a medical cannabis recommendation.

2687 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
2688 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
2689 patients at the same time, as determined by the number of medical cannabis cards under the
2690 qualified medical provider's name in the state electronic verification system.

2691 (b) A qualified medical provider may recommend a medical cannabis treatment to up

2692 to 600 of the qualified medical provider's patients at any given time, as determined by the
2693 number of medical cannabis cards under the qualified medical provider's name in the state
2694 electronic verification system, if:

2695 (i) the appropriate American medical board has certified the qualified medical provider
2696 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
2697 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
2698 psychiatry; or

2699 (ii) a licensed business employs or contracts with the qualified medical provider for the
2700 specific purpose of providing hospice and palliative care.

2701 (5) A recommending medical provider may recommend medical cannabis to an
2702 individual under this chapter only in the course of a provider-patient relationship after the
2703 recommending medical provider has completed and documented in the patient's medical record
2704 a thorough assessment of the patient's condition and medical history based on the appropriate
2705 standard of care for the patient's condition.

2706 (6) (a) Except as provided in Subsection (6)(b), [~~an individual~~] a person may not
2707 advertise that the [~~individual~~] person or the person's employee recommends a medical cannabis
2708 treatment.

2709 (b) Notwithstanding Subsection (6)(a) and [~~subject to~~] Section [~~26-61a-116~~]
2710 4-41a-109, a qualified medical provider or clinic or office that employs a qualified medical
2711 provider may advertise the following:

2712 (i) a green cross;

2713 (ii) the provider's or clinic's name and logo;

2714 (iii) a qualifying condition that the individual treats;

2715 (iv) that the individual is registered as a qualified medical provider and recommends
2716 medical cannabis; or

2717 (v) a scientific study regarding medical cannabis use.

2718 (7) (a) A qualified medical provider registration card expires two years after the day on
2719 which the department issues the card.

2720 (b) The department shall renew a qualified medical provider's registration card if the
2721 provider:

2722 (i) applies for renewal;

2723 (ii) is eligible for a qualified medical provider registration card under this section,
2724 including maintaining an unrestricted license under the recommending qualifications;

2725 (iii) certifies to the department in a renewal application that the information in
2726 Subsection (2)(a) is accurate or updates the information;

2727 (iv) submits a report detailing the completion of the continuing education requirement
2728 described in Subsection (3); and

2729 (v) pays the department a fee in an amount that:

2730 (A) the department sets, in accordance with Section [63J-1-504](#); and

2731 (B) does not exceed \$50 for a registration renewal.

2732 (8) The department may revoke the registration of a qualified medical provider who
2733 fails to maintain compliance with the requirements of this section.

2734 (9) A recommending medical provider may not receive any compensation or benefit for
2735 the qualified medical provider's medical cannabis treatment recommendation from:

2736 (a) a cannabis production establishment or an owner, officer, director, board member,
2737 employee, or agent of a cannabis production establishment;

2738 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
2739 employee, or agent of a medical cannabis pharmacy; or

2740 (c) a recommending medical provider or pharmacy medical provider.

2741 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
2742 the department, in a manner designated by the department:

2743 (i) if applicable, that the qualified medical provider or the entity that employs the
2744 qualified medical provider represents online or on printed material that the qualified medical
2745 provider is a qualified medical provider or offers medical cannabis recommendations to
2746 patients; and

2747 (ii) the fee amount that the qualified medical provider or the entity that employs the
2748 qualified medical provider charges a patient for a medical cannabis recommendation, either as
2749 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

2750 (b) The department shall:

2751 (i) ensure that the following information related to qualified medical providers and
2752 entities described in Subsection (10)(a)(i) is available on the department's website or on the
2753 health care price transparency tool under Subsection (10)(b)(ii):

2754 (A) the name of the qualified medical provider and, if applicable, the name of the
2755 entity that employs the qualified medical provider;

2756 (B) the address of the qualified medical provider's office or, if applicable, the entity
2757 that employs the qualified medical provider; and

2758 (C) the fee amount described in Subsection (10)(a)(ii); and

2759 (ii) share data collected under this Subsection (10) with the state auditor for use in the
2760 health care price transparency tool described in Section [67-3-11](#).

2761 Section 35. Section **26-61a-109** is amended to read:

2762 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
2763 **-- Uniform fee.**

2764 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise
2765 Fund."

2766 (2) The fund created in this section is funded from:

2767 (a) money the department deposits into the fund under this chapter;

2768 (b) appropriations the Legislature makes to the fund; and

2769 (c) the interest described in Subsection (3).

2770 (3) Interest earned on the fund shall be deposited into the fund.

2771 (4) The department may only use money in the fund to fund the department's
2772 responsibilities under this chapter.

2773 (5) The department shall set fees authorized under this chapter in amounts that the
2774 department anticipates are necessary, in total, to cover the department's cost to implement this
2775 chapter.

2776 (6) The department may impose a uniform fee on each medical cannabis transaction in
2777 a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets
2778 in accordance with Section [63J-1-504](#).

2779 Section 36. Section **26-61a-201** is amended to read:

2780 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
2781 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

2782 (1) (a) The department shall, within 15 days after the day on which an individual who
2783 satisfies the eligibility criteria in this section or Section [26-61a-202](#) submits an application in
2784 accordance with this section or Section [26-61a-202](#):

2785 (i) issue a medical cannabis patient card to an individual described in Subsection
2786 (2)(a);
2787 (ii) issue a medical cannabis guardian card to an individual described in Subsection
2788 (2)(b);
2789 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
2790 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
2791 [26-61a-202\(4\)](#).

2792 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
2793 electronic verification system is functionally capable of facilitating a conditional medical
2794 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
2795 provider's medical cannabis recommendation for a patient in the state electronic verification
2796 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
2797 medical provider or medical cannabis pharmacy in accordance with Subsection
2798 ~~[26-61a-501(10)(a)]~~ [4-41a-1101\(10\)\(a\)](#), the department shall issue to the patient an electronic
2799 conditional medical cannabis card, in accordance with this Subsection (1)(b).

2800 (ii) A conditional medical cannabis card is valid for the lesser of:

2801 (A) 60 days; or

2802 (B) the day on which the department completes the department's review and issues a
2803 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
2804 application, or revokes the conditional medical cannabis card under Subsection (8).

2805 (iii) The department may issue a conditional medical cannabis card to an individual
2806 applying for a medical cannabis patient card for which approval of the Compassionate Use
2807 Board is not required.

2808 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2809 obligations under law applicable to a holder of the medical cannabis card for which the
2810 individual applies and for which the department issues the conditional medical cannabis card.

2811 (2) (a) An individual is eligible for a medical cannabis patient card if:

2812 (i) (A) the individual is at least 21 years old; or

2813 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
2814 Use Board under Section [26-61a-105](#), and the Compassionate Use Board recommends
2815 department approval of the petition;

2816 (ii) the individual is a Utah resident;

2817 (iii) the individual's recommending medical provider recommends treatment with
2818 medical cannabis in accordance with Subsection (4);

2819 (iv) the individual signs an acknowledgment stating that the individual received the
2820 information described in Subsection (9); and

2821 (v) the individual pays to the department a fee in an amount that, subject to Subsection
2822 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2823 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

2824 (A) is at least 18 years old;

2825 (B) is a Utah resident;

2826 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
2827 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
2828 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
2829 department approval of the petition;

2830 (D) the individual signs an acknowledgment stating that the individual received the
2831 information described in Subsection (9);

2832 (E) pays to the department a fee in an amount that, subject to Subsection
2833 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
2834 criminal background check described in Section 26-61a-203; and

2835 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
2836 offense under either state or federal law, unless the individual completed any imposed sentence
2837 six months or more before the day on which the individual applies for a medical cannabis
2838 guardian card.

2839 (ii) The department shall notify the Department of Public Safety of each individual that
2840 the department registers for a medical cannabis guardian card.

2841 (c) (i) A minor is eligible for a provisional patient card if:

2842 (A) the minor has a qualifying condition;

2843 (B) the minor's qualified medical provider recommends a medical cannabis treatment
2844 to address the minor's qualifying condition;

2845 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
2846 Board under Section 26-61a-105, and the Compassionate Use Board recommends department

2847 approval of the petition; and

2848 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
2849 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
2850 medical cannabis caregiver card under Section 26-61a-202.

2851 (ii) The department shall automatically issue a provisional patient card to the minor
2852 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
2853 guardian card to the minor's parent or legal guardian.

2854 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic
2855 verification system is functionally capable of servicing the designation, if the parent or legal
2856 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
2857 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
2858 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
2859 the minor has adequate and safe access to the recommended medical cannabis treatment.

2860 (3) (a) An individual who is eligible for a medical cannabis card described in
2861 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
2862 department:

2863 (i) through an electronic application connected to the state electronic verification
2864 system;

2865 (ii) with the recommending medical provider; and

2866 (iii) with information including:

2867 (A) the applicant's name, gender, age, and address;

2868 (B) the number of the applicant's valid form of photo identification;

2869 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2870 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
2871 and

2872 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
2873 holds the associated medical cannabis guardian card.

2874 (b) The department shall ensure that a medical cannabis card the department issues
2875 under this section contains the information described in Subsection (3)(a)(iii).

2876 (c) (i) If a recommending medical provider determines that, because of age, illness, or
2877 disability, a medical cannabis patient cardholder requires assistance in administering the

2878 medical cannabis treatment that the recommending medical provider recommends, the
2879 recommending medical provider may indicate the cardholder's need in the state electronic
2880 verification system, either directly or, for a limited medical provider, through the order
2881 described in Subsections [26-61a-106](#)(1)(c) and (d).

2882 (ii) If a recommending medical provider makes the indication described in Subsection
2883 (3)(c)(i):

2884 (A) the department shall add a label to the relevant medical cannabis patient card
2885 indicating the cardholder's need for assistance;

2886 (B) any adult who is 18 years old or older and who is physically present with the
2887 cardholder at the time the cardholder needs to use the recommended medical cannabis
2888 treatment may handle the medical cannabis treatment and any associated medical cannabis
2889 device as needed to assist the cardholder in administering the recommended medical cannabis
2890 treatment; and

2891 (C) an individual of any age who is physically present with the cardholder in the event
2892 of an emergency medical condition, as that term is defined in Section [31A-1-301](#), may handle
2893 the medical cannabis treatment and any associated medical cannabis device as needed to assist
2894 the cardholder in administering the recommended medical cannabis treatment.

2895 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

2896 (A) ingest or inhale medical cannabis;

2897 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
2898 of the immediate area where the cardholder is present or with an intent other than to provide
2899 assistance to the cardholder; or

2900 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
2901 the cardholder is not in the process of being dosed with medical cannabis.

2902 (4) To recommend a medical cannabis treatment to a patient or to renew a
2903 recommendation, a recommending medical provider shall:

2904 (a) before recommending or renewing a recommendation for medical cannabis in a
2905 medicinal dosage form or a cannabis product in a medicinal dosage form:

2906 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
2907 guardian's valid form of identification described in Subsection (3)(a);

2908 (ii) review any record related to the patient and, for a minor patient, the patient's parent

2909 or legal guardian in:

2910 (A) for a qualified medical provider, the state electronic verification system; and

2911 (B) the controlled substance database created in Section 58-37f-201; and

2912 (iii) consider the recommendation in light of the patient's qualifying condition, history

2913 of substance use or opioid use disorder, and history of medical cannabis and controlled

2914 substance use during an initial face-to-face visit with the patient; and

2915 (b) state in the recommending medical provider's recommendation that the patient:

2916 (i) suffers from a qualifying condition, including the type of qualifying condition; and

2917 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis

2918 product in a medicinal dosage form.

2919 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the

2920 department issues under this section is valid for the lesser of:

2921 (i) an amount of time that the recommending medical provider determines; or

2922 (ii) (A) six months for the first issuance, and, except as provided in Subsection

2923 (5)(a)(ii)(B), for a renewal; or

2924 (B) for a renewal, one year if, after at least one year following the issuance of the

2925 original medical cannabis card, the recommending medical provider determines that the patient

2926 has been stabilized on the medical cannabis treatment and a one-year renewal period is

2927 justified.

2928 (b) (i) A medical cannabis card that the department issues in relation to a terminal

2929 illness described in Section 26-61a-104 expires after one year.

2930 (ii) The recommending medical provider may revoke a recommendation that the

2931 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical

2932 cannabis cardholder no longer has the terminal illness.

2933 (c) A medical cannabis card that the department issues in relation to acute pain as

2934 described in Section 26-61a-104 expires 30 days after the day on which the department first

2935 issues a conditional or full medical cannabis card.

2936 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is

2937 renewable if:

2938 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or

2939 (b); or

2940 (ii) the cardholder received the medical cannabis card through the recommendation of
2941 the Compassionate Use Board under Section 26-61a-105.

2942 (b) The recommending medical provider who made the underlying recommendation
2943 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card
2944 through phone or video conference with the cardholder, at the recommending medical
2945 provider's discretion.

2946 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
2947 shall pay to the department a renewal fee in an amount that:

2948 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
2949 63J-1-504; and

2950 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
2951 comparison to the original application process.

2952 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2953 patient card renews automatically at the time the minor's parent or legal guardian renews the
2954 parent or legal guardian's associated medical cannabis guardian card.

2955 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
2956 cannabis card with the patient's name.

2957 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
2958 purchase, in accordance with this chapter and the recommendation underlying the card,
2959 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
2960 medical cannabis device.

2961 (ii) A cardholder under this section may possess or transport, in accordance with this
2962 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
2963 cannabis product in a medicinal dosage form, or a medical cannabis device.

2964 (iii) To address the qualifying condition underlying the medical cannabis treatment
2965 recommendation:

2966 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
2967 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
2968 or a medical cannabis device; and

2969 (B) a medical cannabis guardian cardholder may assist the associated provisional
2970 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis

2971 product in a medicinal dosage form, or a medical cannabis device.

2972 (8) The department may revoke a medical cannabis card that the department issues
2973 under this section if the cardholder:

2974 (a) violates this chapter; or

2975 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution
2976 offense.

2977 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2978 Utah Administrative Rulemaking Act, a process to provide information regarding the following
2979 to an individual receiving a medical cannabis card:

2980 (a) risks associated with medical cannabis treatment;

2981 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2982 medical cannabis treatment is an effective treatment or cure for that condition, as described in
2983 Subsection [26-61a-104](#)(1); and

2984 (c) other relevant warnings and safety information that the department determines.

2985 (10) The department may establish procedures by rule, in accordance with Title 63G,
2986 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
2987 provisions of this section.

2988 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
2989 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
2990 an individual from another state to register with the department in order to purchase medical
2991 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
2992 is visiting the state.

2993 (b) The department may only provide the registration process described in Subsection
2994 (11)(a):

2995 (i) to a nonresident patient; and

2996 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
2997 per visitation period.

2998 (12) (a) A person may submit to the department a request to conduct a research study
2999 using medical cannabis cardholder data that the state electronic verification system contains.

3000 (b) The department shall review a request described in Subsection (12)(a) to determine
3001 whether an institutional review board, as that term is defined in Section [26-61-102](#), could

3002 approve the research study.

3003 (c) At the time an individual applies for a medical cannabis card, the department shall
3004 notify the individual:

3005 (i) of how the individual's information will be used as a cardholder;

3006 (ii) that by applying for a medical cannabis card, unless the individual withdraws
3007 consent under Subsection (12)(d), the individual consents to the use of the individual's
3008 information for external research; and

3009 (iii) that the individual may withdraw consent for the use of the individual's
3010 information for external research at any time, including at the time of application.

3011 (d) An applicant may, through the medical cannabis card application, and a medical
3012 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
3013 cardholder's consent to participate in external research at any time.

3014 (e) The department may release, for the purposes of a study described in this
3015 Subsection (12), information about a cardholder under this section who consents to participate
3016 under Subsection (12)(c).

3017 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
3018 consent:

3019 (i) applies to external research that is initiated after the withdrawal of consent; and

3020 (ii) does not apply to research that was initiated before the withdrawal of consent.

3021 (g) The department may establish standards for a medical research study's validity, by
3022 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3023 (13) The department shall record the issuance or revocation of a medical cannabis card
3024 under this section in the controlled substance database.

3025 Section 37. Section **26-61a-206** is enacted to read:

3026 **26-61a-206. Purchasing and use limitations.**

3027 An individual with a medical cannabis card:

3028 (1) may purchase, in any one 28-day period, up to the legal dosage limit of:

3029 (a) unprocessed cannabis in a medicinal dosage form; and

3030 (b) a cannabis product in a medicinal dosage form;

3031 (2) may not purchase:

3032 (a) more medical cannabis than described in Subsection (1)(a); or

3033 (b) if the relevant recommending medical provider did not recommend directions of
3034 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
3035 accordance with Subsection 26-61a-404(5), any medical cannabis; and

3036 (3) may not use a route of administration that the relevant recommending medical
3037 provider or the pharmacy medical provider, in accordance with Subsection 26-61a-404(5) or
3038 (6), has not recommended.

3039 Section 38. Section **26-61a-403** is amended to read:

3040 **Part 4. Pharmacy Medical Providers**

3041 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

3042 (1) (a) A medical cannabis pharmacy:

3043 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
3044 Practice Act, as a pharmacy medical provider;

3045 (ii) may employ a physician who has the authority to write a prescription and is
3046 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
3047 Osteopathic Medical Practice Act, as a pharmacy medical provider;

3048 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
3049 works onsite during all business hours; and

3050 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
3051 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
3052 cannabis pharmacy.

3053 (b) An individual may not serve as a pharmacy medical provider unless the department
3054 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

3055 (2) (a) The department shall, within 15 days after the day on which the department
3056 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
3057 medical provider, register and issue a pharmacy medical provider registration card to the
3058 prospective pharmacy medical provider if the medical cannabis pharmacy:

3059 (i) provides to the department:

3060 (A) the prospective pharmacy medical provider's name and address;

3061 (B) the name and location of the licensed medical cannabis pharmacy where the
3062 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

3063 (C) a report detailing the completion of the continuing education requirement described

3064 in Subsection (3); and

3065 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
3066 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
3067 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
3068 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3069 (ii) pays a fee to the department in an amount that, subject to Subsection
3070 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3071 (b) The department may not register a recommending medical provider or a state
3072 central patient portal medical provider as a pharmacy medical provider.

3073 (3) (a) A pharmacy medical provider shall complete the continuing education described
3074 in this Subsection (3) in the following amounts:

3075 (i) as a condition precedent to registration, four hours; and

3076 (ii) as a condition precedent to renewal of the registration, four hours every two years.

3077 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

3078 (i) complete continuing education:

3079 (A) regarding the topics described in Subsection (3)(d); and

3080 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3081 continuing education provider that the department recognizes as offering continuing education
3082 appropriate for the medical cannabis pharmacy practice; and

3083 (ii) make a continuing education report to the department in accordance with a process
3084 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3085 Administrative Rulemaking Act, and in collaboration with the Division of Professional
3086 Licensing and:

3087 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
3088 Pharmacy Practice Act, the Board of Pharmacy;

3089 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
3090 Practice Act, the Physicians Licensing Board; and

3091 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
3092 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

3093 (c) The department may, in consultation with the Division of Professional Licensing,
3094 develop the continuing education described in this Subsection (3).

- 3095 (d) The continuing education described in this Subsection (3) may discuss:
- 3096 (i) the provisions of this chapter;
- 3097 (ii) general information about medical cannabis under federal and state law;
- 3098 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
- 3099 including risks and benefits;
- 3100 (iv) recommendations for medical cannabis as it relates to the continuing care of a
- 3101 patient in pain management, risk management, potential addiction, and palliative care; or
- 3102 (v) best practices for recommending the form and dosage of a medical cannabis
- 3103 product based on the qualifying condition underlying a medical cannabis recommendation.
- 3104 (4) (a) A pharmacy medical provider registration card expires two years after the day
- 3105 on which the department issues or renews the card.
- 3106 (b) A pharmacy medical provider may renew the provider's registration card if the
- 3107 provider:
- 3108 (i) is eligible for a pharmacy medical provider registration card under this section;
- 3109 (ii) certifies to the department in a renewal application that the information in
- 3110 Subsection (2)(a) is accurate or updates the information;
- 3111 (iii) submits a report detailing the completion of the continuing education requirement
- 3112 described in Subsection (3); and
- 3113 (iv) pays to the department a renewal fee in an amount that:
- 3114 (A) subject to Subsection [26-61a-109\(5\)](#), the department sets in accordance with
- 3115 Section [63J-1-504](#); and
- 3116 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
- 3117 comparison to the original application process.
- 3118 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
- 3119 person or another person dispenses medical cannabis.
- 3120 (b) Notwithstanding Subsection (5)(a) and [~~subject to~~] Section [~~26-61a-116~~]
- 3121 [4-41a-109](#), a registered pharmacy medical provider may advertise the following:
- 3122 (i) a green cross;
- 3123 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
- 3124 cannabis; or
- 3125 (iii) a scientific study regarding medical cannabis use.

3126 (6) (a) The department may revoke a pharmacy medical provider's registration for a
3127 violation of this chapter.

3128 (b) The department may inspect patient records held by a medical cannabis pharmacy
3129 to ensure a pharmacy medical provider is practicing in accordance with this chapter and
3130 applicable rules.

3131 Section 39. Section **26-61a-404**, which is renumbered from Section 26-61a-503 is
3132 renumbered and amended to read:

3133 **[26-61a-503].** **26-61a-404. Partial filling -- Pharmacy medical provider**
3134 **directions of use.**

3135 (1) As used in this section, "partially fill" means to provide less than the full amount of
3136 cannabis or cannabis product that the recommending medical provider recommends, if the
3137 recommending medical provider recommended specific dosing parameters.

3138 (2) A pharmacy medical provider may partially fill a recommendation for a medical
3139 cannabis treatment at the request of the recommending medical provider who issued the
3140 medical cannabis treatment recommendation or the medical cannabis cardholder.

3141 (3) The department shall make rules, in collaboration with the Division of Professional
3142 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
3143 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and
3144 quantity remaining of a partially filled medical cannabis treatment recommendation.

3145 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
3146 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
3147 limits in Subsection [~~26-61a-502(2)~~] 4-41a-1102(2), to fill the quantity remaining of a partially
3148 filled medical cannabis treatment recommendation if:

3149 (a) the pharmacy medical provider determined dosing parameters for the partial fill
3150 under Subsection [~~26-61a-502(4) or (5)~~] 4-41a-1102(5) or (6); and

3151 (b) the medical cannabis cardholder reports that:

3152 (i) the partial fill did not substantially affect the qualifying condition underlying the
3153 medical cannabis recommendation; or

3154 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
3155 unable to successfully use the partial fill.

3156 (5) If a recommending medical provider recommends treatment with medical cannabis

3157 but wishes for the pharmacy medical provider to determine directions of use and dosing
3158 guidelines:

3159 (a) the recommending medical provider shall provide to the pharmacy medical
3160 provider, either through the state electronic verification system or through a medical cannabis
3161 pharmacy's recording of a recommendation under the order of a limited medical provider, any
3162 of the following information that the recommending medical provider feels would be needed to
3163 provide appropriate directions of use and dosing guidelines:

3164 (i) information regarding the qualifying condition underlying the recommendation;

3165 (ii) information regarding prior treatment attempts with medical cannabis; and

3166 (iii) portions of the patient's current medication list; and

3167 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
3168 pharmacy medical provider shall:

3169 (i) review pertinent medical records, including the recommending medical provider
3170 documentation described in Subsection (5)(a); and

3171 (ii) unless the pertinent medical records show directions of use and dosing guidelines
3172 from a state central patient portal medical provider in accordance with Subsection (6), after
3173 completing the review described in Subsection (5)(b)(i) and consulting with the recommending
3174 medical provider as needed, determine the best course of treatment through consultation with
3175 the cardholder regarding:

3176 (A) the patient's qualifying condition underlying the recommendation from the
3177 recommending medical provider;

3178 (B) indications for available treatments;

3179 (C) directions of use and dosing guidelines; and

3180 (D) potential adverse reactions.

3181 Section 40. Section **26-61a-601** is amended to read:

3182 **26-61a-601. State central patient portal -- Department duties.**

3183 (1) [~~On or before July 1, 2020, the~~] The department shall establish or contract to
3184 establish, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central
3185 patient portal as described in this section.

3186 (2) The state central patient portal shall:

3187 (a) authenticate each user to ensure the user is a valid medical cannabis patient

3188 cardholder;

3189 (b) allow a medical cannabis patient cardholder to:

3190 (i) obtain and download the cardholder's medical cannabis card;

3191 (ii) review the cardholder's medical cannabis purchase history; and

3192 (iii) manage the cardholder's personal information, including withdrawing consent for

3193 the use of the cardholder's information for a study described in Subsection [26-61a-201\(12\)](#);

3194 (c) if the cardholder's recommending medical provider recommended the use of

3195 medical cannabis without providing directions of use and dosing guidelines and the cardholder

3196 has not yet received the counseling or consultation required in Subsection [26-61a-502\(4\)](#):

3197 (i) alert the cardholder of the outstanding need for consultation; and

3198 (ii) provide the cardholder with access to the contact information for each state central

3199 patient portal medical provider and each pharmacy medical provider;

3200 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis

3201 order:

3202 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

3203 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in

3204 person from the pharmacy;

3205 (e) prohibit a patient from completing an electronic medical cannabis order described

3206 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection

3207 ~~[26-61a-502\(2\)\(a\) or \(b\)](#)~~ [4-41a-1102\(2\)\(a\) or \(b\)](#);

3208 (f) provide educational information to medical cannabis patient cardholders regarding

3209 the state's medical cannabis laws and regulatory programs and other relevant information

3210 regarding medical cannabis; and

3211 (g) allow the patient to designate up to two caregivers who may receive a medical

3212 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in

3213 accordance with this chapter.

3214 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah

3215 Administrative Rulemaking Act, to implement the state central patient portal.

3216 Section 41. Section **26-61a-701** is amended to read:

3217 **26-61a-701. Enforcement -- Misdemeanor.**

3218 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments[;

3219 ~~and Sections 26-61a-502, 26-61a-605, and 26-61a-607]~~ and Pharmacies, it is unlawful for a
3220 medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder
3221 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical
3222 cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

3223 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
3224 violates Subsection (1) is:

3225 (i) guilty of a class B misdemeanor; and

3226 (ii) subject to a \$1,000 fine.

3227 (b) An individual is not guilty under Subsection (2)(a) if the individual:

3228 (i) (A) is a designated caregiver; and

3229 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
3230 who designated the individual as a designated caregiver; or

3231 (ii) (A) is a medical cannabis guardian cardholder; and

3232 (B) gives the product described in Subsection (1) to the relevant provisional patient
3233 cardholder.

3234 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
3235 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3236 underlying the violation described in Subsection (2)(a).

3237 Section 42. Section ~~26-61a-703~~ is amended to read:

3238 **26-61a-703. Report.**

3239 (1) By the November interim meeting each year beginning in 2020, the department
3240 shall report to the Health and Human Services Interim Committee on:

3241 (a) the number of applications and renewal applications filed for medical cannabis
3242 cards;

3243 (b) the number of qualifying patients and designated caregivers;

3244 (c) the nature of the debilitating medical conditions of the qualifying patients;

3245 (d) the age and county of residence of cardholders;

3246 (e) the number of medical cannabis cards revoked;

3247 (f) the number of practitioners providing recommendations for qualifying patients;

3248 (g) the number of license applications and renewal license applications received;

3249 (h) the number of licenses the department has issued in each county;

- 3250 (i) the number of licenses the department has revoked;
- 3251 (j) the quantity of medical cannabis shipments that the state central patient portal
3252 facilitates;
- 3253 (k) the number of overall purchases of medical cannabis and medical cannabis products
3254 from each medical cannabis pharmacy;
- 3255 (l) the expenses incurred and revenues generated from the medical cannabis program;
3256 and
- 3257 (m) an analysis of product availability in medical cannabis pharmacies in consultation
3258 with the Department of Agriculture and Food.
- 3259 (2) The department may not include personally identifying information in the report
3260 described in this section.
- 3261 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the
3262 working group described in Section [36-12-8.2](#) as requested by the working group.
3263 Section 43. Section **26-61a-801** is enacted to read:

3264 **Part 8. Medical Cannabis Policy Advisory Board**

3265 **26-61a-801. Advisory board creation -- Membership.**

- 3266 (1) There is created within the department the Medical Cannabis Policy Advisory
3267 Board.
- 3268 (2) (a) The advisory board shall consist of the following members:
- 3269 (i) appointed by the executive director:
- 3270 (A) a qualified medical provider who has at least 150 patients who have a medical
3271 cannabis patient card at the time of appointment;
- 3272 (B) a medical research professional;
- 3273 (C) a mental health specialist;
- 3274 (D) an individual who represents an organization that advocates for medical cannabis
3275 patients;
- 3276 (E) an individual who holds a medical cannabis patient card; and
- 3277 (F) a member of the general public who does not hold a medical cannabis card; and
- 3278 (ii) appointed by the commissioner of the Department of Agriculture and Food:
- 3279 (A) an individual who owns or operates a licensed cannabis cultivation facility;
- 3280 (B) an individual who owns or operates a licensed medical cannabis pharmacy; and

3281 (C) a law enforcement officer.

3282 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
3283 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or operates a
3284 licensed cannabis processing facility.

3285 (3) (a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a
3286 four year term.

3287 (b) When appointing the initial membership of the advisory board, the executive
3288 director and the commissioner of the Department of Agriculture and Food shall coordinate to
3289 appoint four advisory board members to serve a term of two years to ensure that approximately
3290 half of the board is appointed every two years.

3291 (4) (a) If an advisory board member is no longer able to serve as a member, a new
3292 member shall be appointed in the same manner as the original appointment.

3293 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
3294 remainder of the unexpired term of the original appointment.

3295 (5) (a) A majority of the advisory board members constitutes a quorum.

3296 (b) The action of a majority of a quorum constitutes an action of the advisory board.

3297 (c) The advisory board shall annually designate one of the advisory board's members to
3298 serve as chair for a one-year period.

3299 (6) An advisory board member may not receive compensation or benefits for the
3300 member's service on the advisory board but may receive per diem and reimbursement for travel
3301 expenses incurred as an advisory board member in accordance with:

3302 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

3303 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
3304 [63A-3-107](#).

3305 (7) The department shall:

3306 (a) provide staff support for the advisory board; and

3307 (b) assist the advisory board in conducting meetings.

3308 Section 44. Section **26-61a-802** is enacted to read:

3309 **26-61a-802. Advisory board duties.**

3310 (1) The advisory board may recommend:

3311 (a) to the department or the Department of Agriculture and Food changes to current or

3312 proposed medical cannabis rules or statutes;

3313 (b) to the appropriate legislative committee whether the advisory board supports a
3314 change to medical cannabis statutes.

3315 (2) The advisory board shall:

3316 (a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a,
3317 Cannabis Production Establishments and Pharmacies;

3318 (b) consult with the Department of Agriculture and Food regarding the issuance of an
3319 additional:

3320 (i) cultivation facility license under Section [4-41a-205](#); or

3321 (ii) pharmacy license under Section [4-41a-1005](#);

3322 (c) consult with the department regarding cannabis patient education;

3323 (d) consult regarding the reasonableness of any fees set by the department or the Utah
3324 Department of Agriculture and Food that pertain to the medical cannabis program; and

3325 (e) consult regarding any issue pertaining to medical cannabis when asked by the
3326 department or the Utah Department of Agriculture and Food.

3327 Section 45. Section **26-61a-803** is enacted to read:

3328 **26-61a-803. Department coordination.**

3329 The department shall:

3330 (1) provide draft rules made under this chapter to the advisory board for the advisory
3331 board's review;

3332 (2) consult with the advisory board regarding:

3333 (a) patient education; and

3334 (b) fees set by the department that pertain to the medical cannabis program; and

3335 (3) when appropriate, consult with the advisory board regarding issues that arise in the
3336 medical cannabis program.

3337 Section 46. Section **36-12-8.2** is amended to read:

3338 **36-12-8.2. Medical cannabis governance structure working group.**

3339 ~~[During the 2022 legislative interim, the]~~

3340 (1) The Legislative Management Committee shall establish a medical cannabis
3341 governance structure working group composed of ~~[three members of the Health and Human~~
3342 ~~Services Interim Committee and three members of the Natural Resources, Agriculture, and~~

3343 Environment Interim Committee to:] six members of the Legislature.

3344 (2) The working group may:

3345 [(1)] (a) work with industry, patients, medical providers, and others [to conduct a] to
3346 review [of] the state's governance structure over medical cannabis;

3347 [(2)] (b) study various regulatory structures throughout the nation regarding state
3348 agency regulation of medical cannabis; and

3349 (c) make recommendations to the Health and Human Services Interim Committee or
3350 the Natural Resources, Agriculture, and Environment Interim Committee regarding medical
3351 cannabis governance before or at the October interim meeting.

3352 [(3) at or before the October 2022 interim meeting, make recommendations to the
3353 Health and Human Services Interim Committee and the Natural Resources, Agriculture, and
3354 Environment Interim Committee on whether a committee should recommend committee
3355 legislation to vertically integrate licenses, streamline regulations, and reduce costs for patients
3356 by unifying the efforts of the Department of Health and Human Services and the Department of
3357 Agriculture and Food under a single state authority over medical cannabis.]

3358 Section 47. Section **58-17b-302** is amended to read:

3359 **58-17b-302. License required -- License classifications for pharmacy facilities.**

3360 (1) A license is required to act as a pharmacy, except:

3361 (a) as specifically exempted from licensure under Section **58-1-307**;

3362 (b) for the operation of a medical cannabis pharmacy under [Title 26, Chapter 61a,
3363 ~~Utah Medical Cannabis Act~~] Title 4, Chapter 41a, Cannabis Production Establishments and
3364 Pharmacies; and

3365 (c) to operate a licensed dispensing practice under Chapter 88, Part 2, Dispensing
3366 Practice.

3367 (2) The division shall issue a pharmacy license to a facility that qualifies under this
3368 chapter in the classification of a:

3369 (a) class A pharmacy;

3370 (b) class B pharmacy;

3371 (c) class C pharmacy;

3372 (d) class D pharmacy;

3373 (e) class E pharmacy; or

- 3374 (f) dispensing medical practitioner clinic pharmacy.
- 3375 (3) (a) Each place of business shall require a separate license.
- 3376 (b) If multiple pharmacies exist at the same address, a separate license shall be required
3377 for each pharmacy.
- 3378 (4) (a) The division may further define or supplement the classifications of pharmacies.
- 3379 (b) The division may impose restrictions upon classifications to protect the public
3380 health, safety, and welfare.
- 3381 (5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by
3382 rule.
- 3383 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
3384 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
3385 of the pharmacy, regardless of the form of the business organization.
- 3386 Section 48. Section **58-17b-502** is amended to read:
- 3387 **58-17b-502. Unprofessional conduct.**
- 3388 (1) "Unprofessional conduct" includes:
- 3389 (a) willfully deceiving or attempting to deceive the division, the board, or their agents
3390 as to any relevant matter regarding compliance under this chapter;
- 3391 (b) except as provided in Subsection (2):
- 3392 (i) paying or offering rebates to practitioners or any other health care providers, or
3393 receiving or soliciting rebates from practitioners or any other health care provider; or
- 3394 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
3395 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
3396 provider, for the purpose of obtaining referrals;
- 3397 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
3398 dispensing of any outdated, misbranded, or adulterated drug or device;
- 3399 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
3400 bearing the inscription "sample" or "not for resale" or similar words or phrases;
- 3401 (e) except as provided in Section [58-17b-503](#), accepting back and redistributing any
3402 unused drug, or a part of it, after it has left the premises of a pharmacy;
- 3403 (f) an act in violation of this chapter committed by a person for any form of
3404 compensation if the act is incidental to the person's professional activities, including the

3405 activities of a pharmacist, pharmacy intern, or pharmacy technician;

3406 (g) violating:

3407 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

3408 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

3409 (iii) rules or regulations adopted under either act;

3410 (h) requiring or permitting pharmacy interns or technicians to engage in activities

3411 outside the scope of practice for their respective license classifications, as defined in this

3412 chapter and division rules made in collaboration with the board, or beyond their scope of

3413 training and ability;

3414 (i) administering:

3415 (i) without appropriate training, as defined by rule;

3416 (ii) without a physician's order, when one is required by law; and

3417 (iii) in conflict with a practitioner's written guidelines or written protocol for

3418 administering;

3419 (j) disclosing confidential patient information in violation of the provisions of the

3420 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.

3421 1936, as amended, or other applicable law;

3422 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as

3423 the pharmacist-in-charge;

3424 (l) failing to report to the division any adverse action taken by another licensing

3425 jurisdiction, government agency, law enforcement agency, or court for conduct that in

3426 substance would be considered unprofessional conduct under this section;

3427 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage

3428 form which is regularly and commonly available from a manufacturer in quantities and

3429 strengths prescribed by a practitioner;

3430 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,

3431 when dispensing a self-administered hormonal contraceptive under a standing order;

3432 (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production

3433 Establishments and Pharmacies, or Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3434 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:

3435 (i) a wrongful or negligent act or omission of an individual licensed under this chapter

3436 or an individual under the direction or control of an individual licensed under this chapter; or

3437 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).

3438 (2) Subsection (1)(b) does not apply to:

3439 (a) giving or receiving a price discount based on purchase volume;

3440 (b) passing along a pharmaceutical manufacturer's rebate; or

3441 (c) providing compensation for services to a veterinarian.

3442 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter

3443 61a, Utah Medical Cannabis Act:

3444 (a) when registered as a pharmacy medical provider, as that term is defined in Section

3445 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

3446 (b) when acting as a state central patient portal medical provider, as that term is defined

3447 in Section 26-61a-102, providing state central patient portal medical provider services.

3448 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in

3449 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define

3450 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

3451 Section 49. Section 58-37-3.8 is amended to read:

3452 **58-37-3.8. Enforcement.**

3453 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for

3454 an officially designated drug enforcement task force regarding conduct that is not in accordance

3455 with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26,

3456 Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local resources,

3457 including the officer's time, to:

3458 (a) effect any arrest or seizure of cannabis, as that term is defined in Section

3459 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to

3460 constitute a violation of federal law if the officer has reason to believe that the activity is in

3461 compliance with the state medical cannabis laws;

3462 (b) enforce a law that restricts an individual's right to acquire, own, or possess a

3463 firearm based solely on the individual's possession or use of cannabis in accordance with state

3464 medical cannabis laws; or

3465 (c) provide any information or logistical support related to an activity described in

3466 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

3467 (2) An agency or political subdivision of the state may not take an adverse action
3468 against a person for providing a professional service to a medical cannabis pharmacy, as that
3469 term is defined in Section 26-61a-102, the state central patient portal, as that term is defined in
3470 Section 26-61a-102, or a cannabis production establishment, as that term is defined in Section
3471 4-41a-102, on the sole basis that the service is a violation of federal law.

3472 Section 50. Section 63I-2-236 is amended to read:

3473 **63I-2-236. Repeal dates: Title 36.**

3474 (1) Section 36-12-8.2 is repealed July 1, [~~2023~~] 2024.

3475 (2) Section 36-29-107.5 is repealed on November 30, 2023.

3476 (3) Section 36-29-109 is repealed on November 30, 2027.

3477 (4) Section 36-29-110 is repealed on November 30, 2024.

3478 (5) Section 36-29-111 is repealed April 30, 2023.

3479 (6) The following sections regarding the State Flag Task Force are repealed on January
3480 1, 2024:

3481 (a) Section 36-29-201;

3482 (b) Section 36-29-202; and

3483 (c) Section 36-29-203.

3484 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is
3485 repealed December 31, 2023.

3486 Section 51. Section 78A-2-231 is amended to read:

3487 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

3488 (1) As used in this section:

3489 (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3490 (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.

3491 (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

3492 (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

3493 (e) "Medical cannabis card" means the same as that term is defined in Section
3494 26-61a-102.

3495 (f) "Medical cannabis device" means the same as that term is defined in Section
3496 26-61a-102.

3497 (g) "Recommending medical provider" means the same as that term is defined in

3498 Section 26-61a-102.

3499 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
3500 makes a finding, determination, or otherwise considers an individual's medical cannabis card,
3501 medical cannabis recommendation from a recommending medical provider, or possession or
3502 use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel,
3503 jury, or court commissioner may not consider or treat the individual's card, recommendation,
3504 possession, or use any differently than the lawful possession or use of any prescribed controlled
3505 substance if:

3506 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
3507 Establishments and Pharmacies;

3508 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3509 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3510 Medical Cannabis Act; and

3511 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3512 determined by the individual's recommending medical provider or through a consultation
3513 described in Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5).

3514 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in
3515 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
3516 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
3517 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
3518 device, either directly or through a general prohibition on violating federal law, without an
3519 exception related to medical cannabis use, if the individual's use or possession complies with:

3520 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3521 (b) Subsection 58-37-3.7(2) or (3).

3522 Section 52. Section 80-3-110 is amended to read:

3523 **80-3-110. Consideration of cannabis during proceedings -- Drug testing.**

3524 (1) As used in this section:

3525 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

3526 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3527 (c) (i) "Chronic" means repeated or patterned.

3528 (ii) "Chronic" does not mean an isolated incident.

3529 (d) "Directions of use" means the same as that term is defined in Section [26-61a-102](#).

3530 (e) "Dosing guidelines" means the same as that term is defined in Section [26-61a-102](#).

3531 (f) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

3532 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
3533 [26-61a-102](#).

3534 (h) " Recommending medical provider" means the same as that term is defined in
3535 Section [26-61a-102](#).

3536 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,
3537 determination, or otherwise considers an individual's medical cannabis card, medical cannabis
3538 recommendation from a recommending medical provider, or possession or use of medical
3539 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider
3540 or treat the individual's medical cannabis card, recommendation, possession, or use any
3541 differently than the lawful possession or use of any prescribed controlled substance if:

3542 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
3543 Production Establishments and Pharmacies;

3544 (b) the individual's possession or use complies with Subsection [58-37-3.7\(2\)](#) or (3); or

3545 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3546 Medical Cannabis Act; and

3547 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3548 determined by the individual's recommending medical provider or through a consultation
3549 described in Subsection [[26-61a-502\(4\)](#) or (5).] [26-61a-404\(5\)](#).

3550 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or
3551 a cannabis product is not abuse or neglect of the child unless there is evidence showing that:

3552 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
3553 because of cannabis being introduced to the child's body in another manner; or

3554 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
3555 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3556 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
3557 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or guardian's
3558 use of medical cannabis or a cannabis product is not contrary to the best interests of the child
3559 if:

3560 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
3561 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
3562 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
3563 from the directions of use and dosing guidelines determined by the parent's or guardian's
3564 recommending medical provider or through a consultation described in Subsection
3565 ~~[26-61a-502(4) or (5)]~~ 26-61a-404(5); or

3566 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
3567 Subsection 58-37-3.7(2) or (3).

3568 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and
3569 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
3570 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a
3571 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
3572 that would separately constitute abuse or neglect of the child.

3573 (6) If an individual, who is party to a proceeding under this chapter, is ordered by the
3574 juvenile court to submit to drug testing, or is referred by the division or a guardian ad litem for
3575 drug testing, the individual may not be ordered or referred for drug testing by means of a hair
3576 or fingernail test that is administered to detect the presence of drugs.

3577 Section 53. Section **80-4-109** is amended to read:

3578 **80-4-109. Consideration of cannabis during proceedings.**

3579 (1) As used in this section:

3580 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

3581 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3582 (c) (i) "Chronic" means repeated or patterned.

3583 (ii) "Chronic" does not mean an isolated incident.

3584 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.

3585 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

3586 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

3587 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
3588 26-61a-102.

3589 (h) "Qualified medical provider" means the same as that term is defined in Section
3590 26-61a-102.

3591 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
3592 determination, or otherwise considers an individual's possession or use of medical cannabis, a
3593 cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the
3594 individual's possession or use any differently than the lawful possession or use of any
3595 prescribed controlled substance if:

3596 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
3597 Production Establishments and Pharmacies;

3598 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3599 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3600 Medical Cannabis Act; and

3601 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3602 determined by the individual's qualified medical provider or through a consultation described
3603 in Subsection [~~26-61a-502(4) or (5).~~] 26-61a-404(5).

3604 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a
3605 cannabis product is not abuse or neglect of a child unless there is evidence showing that:

3606 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
3607 because of cannabis being introduced to the child's body in another manner; or

3608 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
3609 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3610 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
3611 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not
3612 contrary to the best interests of a child if:

3613 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
3614 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
3615 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
3616 from the directions of use and dosing guidelines determined by the parent's or guardian's
3617 qualified medical provider or through a consultation described in Subsection [~~26-61a-502(4) or~~
3618 ~~(5)~~] 26-61a-404(5) or (6); or

3619 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
3620 Subsection 58-37-3.7(2) or (3).

3621 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and

3622 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
3623 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a
3624 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
3625 that would separately constitute abuse or neglect of the child.

3626 Section 54. **Repealer.**

3627 This bill repeals:

3628 Section [26-61a-108](#), **Agreement with a tribe.**

3629 Section [26-61a-506](#), **Medical cannabis transportation.**

3630 Section 55. **Effective date.**

3631 (1) Except as provided in Subsection(2), this bill takes effect on January 1, 2024.

3632 (2) The actions affecting the following sections take effect on May 3, 2023:

3633 (a) Section [4-41a-102](#);

3634 (b) Section [4-41a-110](#);

3635 (c) Section [4-41a-802](#);

3636 (d) Section [26-61-202](#);

3637 (e) Section [26-61a-102](#);

3638 (f) Section [26-61a-105](#);

3639 (g) Section [26-61a-801](#);

3640 (h) Section [26-61a-802](#);

3641 (i) Section [26-61a-803](#);

3642 (j) Section [36-12-8.2](#); and

3643 (k) Section [63I-2-236](#).